

# TURNING NECESSITY INTO VIRTUE

Pittsburgh's Experience with a Federal  
Consent Decree

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August 6, 2002

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This project was supported by cooperative agreement #2001-CK-WX-K037 by the Office of Community Oriented Policing Services, U.S. Department of Justice. Points of view or opinions contained in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

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## Executive Summary

Increasingly, federal courts are scrutinizing state and local police departments, particularly since 1994, when Congress gave the Justice Department power to sue over a “pattern or practice” of policing that violates federal law or the Constitution. The Justice Department brought its first case in Pittsburgh, Pennsylvania, entering a consent decree with the city government in 1997. Today, with federal courts monitoring half a dozen departments (four as the result of DOJ involvement), the department’s new “pattern or practice” authority is increasingly controversial. Yet, among both police officials and civil rights groups, the Pittsburgh consent decree is generally viewed as a success in terms of increasing police accountability and improving officer training. This report examines the five-year experience of the police and citizens of Pittsburgh with this decree, drawing lessons for other cities.

Throughout the fifth year of the consent decree, researchers from the Vera Institute conducted structured interviews with the police chief, the federal court monitor, and city administrators. The researchers conducted focus groups with police officers and their supervisors, and examined official data on police activity, public safety, discipline, and morale among police officers. The researchers also interviewed a cross-section of community activists and conducted a survey of 400 residents.

The study reveals several elements of the Pittsburgh experience that helped bring the police department quickly into compliance with the decree. The mayor and other officials overcame their initial hostility to the decree, forming a strong and effective *implementation committee*. The federal court monitor produced a *compliance manual*, organizing the daunting list of tasks into manageable steps and consulted *community groups* early in the process. The police chief developed an *early warning system* that identified officers who may be in need of corrective supervision, as he had proposed before federal intervention; he strengthened *reporting of less-than-lethal force* in ways that helped officers justify their conduct; he replaced indiscriminate drug sweeps with *intelligence-based enforcement*; and he increased the *accountability of supervisors* through a quarterly meeting of command staff. This meeting reviews all officers who have been indicated by the early warning system. In contrast, the city agencies responsible for investigating civilian complaints about the police did not move as quickly and are not yet in compliance.

The study also highlights the importance of public relations and employee relations for police departments undergoing reform. Some officers complain about a decline in morale, an increase in paperwork, and a reluctance to engage in enforcement actions. Trend data refute these claims, showing no increase in the use of sick time, discipline, or separations from the department, no decline in summons rates, and a steady downward trend in arrests from well before the decree. But the disaffection of some officers presents

its own problems which need to be managed. A survey of 400 Pittsburgh residents showed that public opinion of the police has improved in a number of respects, although improvements are generally larger among whites than among blacks. Some community leaders remain concerned that accountability is low in the middle ranks and that the department cannot yet monitor itself. Such views also represent a potential source of trouble for the department if not publicly addressed.

## Table of Contents

Introduction .....	1
The Emergence of Police Monitors.....	1
The Setting .....	2
Police and the Community.....	3
Response of Minority/Human Rights Community .....	5
The Consent Decree is Born .....	7
Purposes and Organization of the Report.....	8
Implementation.....	10
Implementation Committee .....	10
The Monitor .....	11
Bureau of Police .....	12
The Office of Municipal Investigations .....	13
Policy Change .....	15
The Bureau of Police .....	15
Office of Municipal Investigations .....	19
The Early Warning System.....	25
Designing PARS .....	27
Operation.....	28
What PARS Captures .....	29
How PARS is Used.....	30
COMPSTAR .....	31
Community Views on the Consent Decree and its Impact on Policing .....	34
Public Reactions to the Consent Decree .....	35
Perspectives on Decree Implementation .....	36
General Perceptions of the Decree's Impact .....	37
Changes in Police-Community Relations.....	38
Perceptions of Police Abuse of Force.....	39
Perceptions of Treatment of African-Americans .....	41
Policing Activity.....	41
The Quality of Public Encounters with the Police.....	43
Perceptions of Complaint Investigation.....	45
Looking to the Future: The End of the Consent Decree.....	47

How the Decree has Affected the way in which Officers Approach their Jobs.....	48
Officer Morale .....	49
Use of the Early Warning System.....	49
Use of Force .....	51
Police Activity.....	51
Effectiveness in the Community.....	52
Special Concerns of African-American Police Officers .....	52
 Analysis of Trends in Police Performance, Public Safety, Disciplinary Actions, and Citizen Complaints .....	 53
Police Morale.....	53
Public Safety.....	54
Police Activity.....	55
Disciplinary Actions.....	58
Analysis of Supervisor Time Allocation.....	58
Citizen Complaints.....	60
 Synthesis and Lessons Learned .....	 62
Lessons Learned .....	63
What Other Cities Can Learn from Pittsburgh’s Experience .....	64
What Might Have Been Improved on in Pittsburgh .....	65
 Appendix A: Survey Details.....	 67
 Appendix B: Survey Responses.....	 69

## Introduction

### **The Emergence of Police Monitors**

The last few years have seen the emergence of a new figure in American policing: the external police monitor or auditor. Some police departments, such as the Los Angeles County Sheriff's Department, have installed their own monitors voluntarily in the wake of local scandals or following the recommendations of commissions. Others, such as the Pittsburgh Police Bureau, have agreed to monitoring as a part of a consent decree, settling civil rights litigation brought by the U.S. Department of Justice or private parties. There are now at least a half-dozen such external police monitors in place across the country.

As the number of monitors grows, so does the need for a systematic body of knowledge about how police departments work under their watch. What are the real dangers, and what are the real opportunities for improvement? How have successful monitors forged constructive partnerships with law enforcement agencies and helped them achieve significant reform?

The growth in the number of monitors is largely due to a change in federal law made as part of the Violent Crime Control and Law Enforcement Act of 1994. With that law, Congress gave the Attorney General power to sue state and local governments over patterns or practices of policing that violated the Constitution or laws of the United States. In the first four lawsuits that reached settlement, the settlement included the appointment of a federal monitor or auditor to oversee compliance with the decree. The monitors both measure police performance and assist in the development of more effective police management. Today there are monitors, auditors, or independent consultants in place as the result of Justice Department or other investigations in Pittsburgh; Steubenville, Ohio; Los Angeles; Walkill, NY; the State of New Jersey; Riverside, California; Montgomery County, Maryland; Philadelphia; Washington, D.C.; and Cincinnati.

Monitors can help police departments by reassuring the public that departments are complying with agreements they made as part of these settlements. They can also serve as sources of advice and advocates for funds needed to implement reforms. They are expected to complete their assignments within a few years and to leave the law enforcement agency capable of monitoring itself and responding effectively to any future misconduct by individual officers. But the role of monitor is a new one, and the collaboration with police departments and the civil rights litigants is not always smooth.

Today, the first monitors are feeling their way, learning by trial and error. So, also, are the police departments that they monitor. But as they learn to work together and learn what works, the lessons may be getting lost.

In this report, we discuss lessons drawn from the monitoring experience in Pittsburgh. The Pittsburgh Bureau of Police now has more experience with federal court monitoring than any other urban department. Moreover, the Pittsburgh experience is recognized as

having brought about significant reforms through a cooperative relationship between the monitor and law enforcement administrators. Through our work, we hope to create guideposts for city administrators, police executives, and others interested in working cooperatively with their monitors or understanding how to bring about police reform and avoid the necessity of an outside monitor.

## The Setting

For most of the twentieth century, Pittsburgh was known as a center of steel production, coal mining, and manufacturing. The city dominated the country's steel industry, producing fully a third of the national output of finished and rolled steel in the 1920s. By the 1980s, however, the steel industry and the city were collapsing because of decreased demand for steel and competition from foreign producers.<sup>1</sup> During the 1980s, approximately two hundred thousand jobs were lost, as more than four hundred mills closed and unemployment grew to 7% by 1992.<sup>2</sup> Pittsburgh's economy has rebounded, with new jobs added in education, health care, high technology, banking, and small manufacturing. In 1999 the service sector grew by 35%, and between 1990 and 1999 service jobs accounted for more than 56% of all net new jobs.<sup>3</sup> Companies involved in wholesale and retail and in the construction industry increased their workforces in the 1990s, while manufacturing remained stagnant. By 2000, the unemployment rate had fallen back to 4.1%.<sup>4</sup> Still, the city continues to shrink.

Pittsburgh's population reached its height in 1950, with 677,000 people, and has since dropped by almost half to a population of roughly 369,000 according to the 2000 Census.<sup>5</sup> Population has continued to decline by about 1% per year through the 1990s.<sup>6</sup> According to 2000 census data, total net out-migration from Pittsburgh measured just under 0.5% annually.<sup>7</sup>

The out-migration of the working age population and the retention of many elderly people has left the region with one of the highest percentages of elderly residents among

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<sup>1</sup> Thayer Watkins, "The History of the Economy of Pittsburgh" (San Jose State University Economic Department.) On-line. 22 February 2002. <http://www.sjsu.edu/faculty/watkins/pitts.htm>

<sup>2</sup> Wheeling-Pittsburgh Steel Corporation, *History of our Company*, 2001. On-line. 7 March 2002. <http://www.wpsc.com/history.htm>.

<sup>3</sup> Center for Social and Urban Research at the University of Pittsburgh, "Employment Changes in 1999," *University of Pittsburgh Economic Quarterly* 1, no. 1 (2000): 4.

<sup>4</sup> Bureau of Labor Statistics, *Local area unemployment statistics: Pittsburgh*, 2000. On-line 7 March 2002. <http://data.bls.gov/servlet/SurveyOutputServlet>.

<sup>5</sup> Population of the 100 Largest Urban Places: 1950, Washington, D.C.: U.S. Bureau of the Census: June, 1998. On-line. 7 March 2002. <http://www.census.gov/population/documentation/twps0027/tab18.txt>.

<sup>6</sup> Ralph L. Bangs, and S. Laurel Weldon, "Economic Benchmarks: Updated Indices for the City of Pittsburgh and Allegheny County." University Center for Social and Urban Research: University of Pittsburgh, September 1998.

<sup>7</sup> Center for Social and Urban Research at the University of Pittsburgh, "Out-Migration Steady in Region," *University of Pittsburgh Economic Quarterly* 1, no. 1 (2000): 1-2.



large counties, according to a recent University of Pittsburgh Center for Social and Urban Research (UCSUR) report.<sup>8</sup>

Nearly all of the city's residents are listed as white (69%) or black (28%). The city has very low numbers of Hispanic or Asian residents. In fact, another recent study by the UCSUR concluded that the "lack of races other than blacks and whites, lack of Hispanics, and lack of recent international immigrants suggest that this urban area has one of the least diversified populations in the U.S."<sup>9</sup> The same report also indicated that Pittsburgh ranked in the top fifth among the nation's 49 largest cities in terms of residential segregation.

### **Police and the Community**

In 1997, the Pittsburgh Police Bureau was made up of 1,140 sworn law enforcement officers.<sup>10</sup> Since 1997, the force has shrunk slightly to about 1,070 officers. The Bureau is divided into six policing zones, as well as an operations division, investigations branch, and administration branch. The Bureau also incorporates a community policing program; traffic, SWAT team, and mounted units; and school guards. Community policing or "COP" officers are assigned to patrol each neighborhood in Pittsburgh. They also work with local businesses and community members to develop "Block Watch" and "Business Watch" programs and attend community meetings and events.

There has been longstanding distrust between the police and Pittsburgh's black community, dating back at least as far as the late 1960s. In a 1990 *Pittsburgh Press* article, Wendell G. Freeland, a local attorney, argued that mistrust of police within Pittsburgh's black community has remained constant for the last two decades. He stated, "The perception is the reality. You see, there is no difference, or there's substantially little difference, between the police perception of the black community today and the black community's perception of the police at the time of the Kerner Commission."<sup>11</sup> According to police officers and community residents whom we interviewed, this underlying lack of trust was exacerbated at several points in the 1990s by changes in minority hiring practices, highly publicized incidents of police use of force against black residents, and racially charged rhetoric in political campaigns.

In 2000, the Bureau was 25% black and 23% female.<sup>12</sup> The proportion of blacks and women hired had been increasing since 1975, when a district court judge issued an

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<sup>8</sup> *ibid.*

<sup>9</sup> Ralph L. Bangs and Jun Hyun Hong, "Pittsburgh Benchmarks: Black and White Quality of Life in the City of Pittsburgh and Allegheny County," University Center for Social and Urban Research: University of Pittsburgh, September 1996.

<sup>10</sup> Pittsburgh Police Bureau.

<sup>11</sup> Dennis B. Roddy, "Perceptions Still Segregate Police, Black Community," *Pittsburgh Press*, 26 August 1999.

<sup>12</sup> Timothy McNulty, "City promises better effort to recruit minority police," *Pittsburgh Post-Gazette*, 3 November 2000.

injunction mandating affirmative action in hiring practices. The Bureau was required to hire one white female, one African-American male, and one African-American female for every white male that it hired. The injunction had a powerful effect: a police agency that had no female sworn officers in 1975 by 1998 led the country with a command staff that was nearly 38% female.<sup>13</sup> However, in 1991 the district court dissolved the injunction in response to a suit by four white male applicants. When the court order was revoked, the proportions of female and black applicants hired declined substantially.

The composition of the Bureau changed even more drastically when the administration of former Mayor Sophie Masloff, who governed Pittsburgh from 1988 to 1994, offered an incentive for early retirement to the Bureau's older officers as a cost-saving measure. During 1994 and 1995, 410 officers took early retirement and another 136 officers retired on disability or on a regular pension. These separations left the Bureau at half strength, decreasing the number of officers from 1,206 in 1993 to 659 by the time the incentive was over.<sup>14</sup> The Bureau undertook a massive hiring program, eventually filling the vacancies with younger, predominantly white male officers with little experience and few seasoned supervisors left to monitor them.<sup>15</sup> In the beginning of 1996, the Bureau was up to 1,171 officers, with new hires accounting for half of the staff. By 1996 two-thirds of the entire force had less than 10 years of service.<sup>16</sup> In an article about the incentive, Police Chief McNeilly lamented that "it was too much to lose at one time. . . . There is a lot to be learned from working with experienced officers. When you have such drastic changes so quickly, it's difficult to find experienced officers working the street to mentor young officers."<sup>17</sup> The new officers' inexperience led to numerous errors in judgment and performance, a situation which some community members and police personnel believe further alienated not only blacks but white members of the community as well.<sup>18</sup>

Mayor Masloff, like many urban mayors in the late 1980s and early 1990s, adopted a tough-on-crime rhetoric. In 1989, her administration created a one-hundred-member Office of Organized Crime, Narcotics and Intelligence within the Police Bureau. Out of this initiative grew a task force called the "Impact Squad." The group consisted largely of young detectives in plainclothes who patrolled predominately black neighborhoods and

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<sup>13</sup> Michael A. Fuoco, "City force No. 1 in women in blue; but Pittsburgh is now seeing the number of female hires dwindle considerably," *Pittsburgh Post-Gazette*, 28 May 1998.

<sup>14</sup> Number of Full-time Employees, Sworn Officers, and Officers Responding to Calls, and Percent Change in Number of Full-Time Employees since 1990 in Local Law Enforcement Agencies, 1993. Law Enforcement Management and Administrative Statistics, Profile for Pittsburgh Bureau Of Police, PA.

<sup>15</sup> Michael A. Fuoco, "Growing pains plaguing police; city finds inexperience of numerous new hires led to problems in the 90's," *Pittsburgh Post-Gazette*, 27 June 1999.

<sup>16</sup> *ibid.*

<sup>17</sup> John M.R. Bull, "A costly offer to police; It looked good at the time, but early retirement plan has been a burden to city," *Pittsburgh Post-Gazette*, 25 May 1997.

<sup>18</sup> Michael A. Fuoco, "Growing pains plaguing police; city finds inexperience of numerous new hires led to problems in the 90's," *Pittsburgh Post-Gazette*, 27 June 1999.

focused on apprehending drug dealers.<sup>19</sup> The special squad was credited with reducing drug trafficking, but it was also the subject of numerous citizen complaints that officers “rousted people indiscriminately and without probable cause.”<sup>20</sup> In 1991, Masloff cut the budget of the Office of Professional Standards, the agency that investigated civilian complaints, laid off half of the staff, and filled the vacant positions with police officers instead of civilian investigators.<sup>21</sup>

Mayor Tom Murphy, who succeeded Masloff in 1994, also focused on lowering crime through aggressive law enforcement, but with a sharper focus on boosting Pittsburgh’s attraction for business. In a local newspaper article, Murphy asserted his initiative stating, “We’re going to take this (crime) problem on. It’s a frontal effort in dealing with crime, around the issue of how the police and the community work together.”<sup>22</sup> Murphy’s approach involved strengthening the community-policing program, hiring more officers, reinstating the burglary and auto-theft units, and increasing use of technologies like mapping.

Tensions between police and the black community were inflamed in 1995 by the deaths of two black men in police custody. In April, Jerry Jackson, a 44-year old man fleeing police in a stolen car, died in a barrage of 51 bullets fired by four police officers. In October, 31-year-old Jonny Gammage was stopped while driving his cousin’s car in a Pittsburgh suburb. Gammage was beaten and suffocated by five officers. Although the Pittsburgh Bureau of Police was not involved in the Gammage incident, it nevertheless prompted a great deal of dialogue, a number of protests, and a call for justice from within the city. Following the acquittal of the white Brentwood police officer implicated in the case, there were marches and a widely publicized trip by Gammage’s parents to Washington DC<sup>23</sup> Accompanied by members of Pittsburgh’s Urban League, the Gammages implored President Clinton to intervene and place police misconduct on the national agenda.<sup>24</sup>

## **Response of Minority/Human Rights Community**

The outrage that many citizens felt as a result of police shootings and other reports of misconduct eventually grew into a call for greater accountability. Civil rights activists

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<sup>19</sup> Clark Hallas, “Impact squad patrol tries to take back streets with sweeps into the hot spots,” *Pittsburgh Post-Gazette*, 24 November 1990.

<sup>20</sup> Michael A. Fuoco, “Special Pittsburgh police squad having an impact on illegal drugs,” *Pittsburgh Post-Gazette*, 6 May 2001.

<sup>21</sup> Jon Schmitz, “Masloff halves office that investigates complaints against police,” *Pittsburgh Post-Gazette*, 23 November 1990.

<sup>22</sup> Tom Barnes, “Buford to remain as police chief; he will now report directly to the new Mayor,” *Pittsburgh Post-Gazette*, 24 December 1993.

<sup>23</sup> Malcolm G. Taylor, “The sound of footsteps, the roar of injustice,” *Pittsburgh Post-Gazette*, 20 November 1996.

<sup>24</sup> Pat Griffith, “Tensions forum sought; Gammage parents, Urban League, St. Pete leaders want Clinton to act,” *Pittsburgh Post-Gazette*, 20 November 1996.

tried to engage Mayor Murphy in a dialogue about police abuse. Although the conversation was not productive, the media began hammering the theme of police abuse. Beginning in 1993, the ACLU had begun to take an active interest in complaints against the police when its director noticed that few complaints were sustained after investigation. Under a court discovery order, an ACLU member was allowed to delve into city files and concluded that investigations were biased and incomplete: even when complaints were sustained, according to the ACLU director, recommendations for discipline were often overridden by city officials. The ACLU, in cooperation with the NAACP, began collecting its own file of citizen complaints against the police. By 1996, the file had grown to 400 complaints.

In the same year, Citizens for Police Accountability (CPA) was formed in response to increasing public concern about police misconduct and accountability.<sup>25</sup> As stated in CPA's history and mission, there were a number of events that had made action necessary. These included policing tactics perceived to be hostile to minority communities and a belief that, when police did mistreat citizens, they were able to do so with impunity. An audit report from the city comptroller showed that, over a 10-year period, 1,600 official citizen complaints were filed without any disciplinary action taken. The CPA and large segments of the community did not trust investigation of citizen complaints by the Office of Professional Standards, the municipal agency charged with investigating misconduct of city employees. Therefore, they pushed to establish an independent investigation agency for investigating allegations of police misconduct. When an attempt to create such an organization was defeated in city council after intense lobbying by the police union, CPA mobilized the community to place an initiative for an independent agency on the May 1997 ballot. Although this is just about the same time that the consent decree was signed and entered by the district court (see below), the creation of Citizens' Police Review Board (CPRB) was not a part of the reforms required by the decree. After a successful grassroots campaign which (according to local newspaper accounts) pitted residents against the Murphy administration and the Fraternal Order of Police, the CPRB was created by a lopsided vote in a referendum.

There was, and is, a good deal of confusion and debate concerning the domain of the two citizen complaint investigation agencies. The two agencies share some information about the investigation of complaints but often conduct redundant investigations of the same complaints. Although both are city agencies, CPRB has won greater confidence within the civil rights community with a board of directors drawn from diverse parts of the community.

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<sup>25</sup> Interview with Jeffrey Richardson, Citizens for Police Accountability. Pittsburgh, 15 January 2002.

## The Consent Decree is Born

In 1996 the ACLU reviewed its database of citizen complaints of police misconduct. A number of these complaints had been lodged against the special narcotics squad, but according to the ACLU executive director, the pattern of misconduct was department-wide. The ACLU director believed that the pattern indicated lack of management control over officers' behavior. The ACLU filed a lawsuit on behalf of 66 individuals who claimed that police officers had violated their civil rights. It grouped individual complainants together and filed a class action suit with the aim of exposing and rooting out inappropriate police practices.

In April 1996, Justice Department investigators came to Pittsburgh at the invitation of the ACLU to conduct an inquiry into police misconduct. Armed with the new provisions of the Violent Crime Control and Law Enforcement Act of 1994, the department began one of its first formal "pattern or practice" investigations. Justice Department investigators talked to the complainants in the ACLU case and examined Police Bureau files.<sup>26</sup> Justice Department lawyers became convinced that they could sustain a pattern or practice suit. The allegations set forth in a Justice Department letter to the city solicitor in January 1997 included use of excessive force, false arrests, improper searches and seizures, failure to discipline officers adequately, and failure to supervise officers.<sup>27</sup>

City officials were skeptical that the Justice Department could successfully make its case and initially decided to fight the allegations. Neither the mayor, police administrators, nor the city solicitor believed that the practices of the Bureau of Police were so abusive of civil rights that federal intervention was warranted. City officials were united in their frustration and disbelief that Pittsburgh was being targeted. According to one police official, "There was a sense of...why us?"

But by the time the city received formal notification that the Justice Department intended to sue, the city solicitor recommended that Pittsburgh seek a settlement with the federal government, and the city gave up its fight. There were three main factors in the city's decision. The first involved the arrival of a new, reform-minded police chief who wanted to make changes similar to those proposed by the Justice Department, and city officials saw a consent agreement as a more desirable alternative than the possible loss of control over policing to the federal government. Second, city officials realized that police record keeping was so bad that they couldn't adequately defend against Justice Department charges. Finally, the changes the Justice Department was demanding would include a new database system that would, among other benefits, allow the city to produce statistics on misconduct and racial bias that could refute future critics.

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<sup>26</sup> Police officers were not interviewed. According to a DOJ official, efforts were made to talk to police officers through the city's lawyers and union lawyers, but they were unsuccessful. Union officials questioned that any attempts were made.

<sup>27</sup> Letter to City Solicitor Jacquelyn Morrow, from Deval Patrick, Assistant Attorney General, Civil Rights Division.

The City of Pittsburgh signed a Federal Consent Decree with the United States in February 1997 and the decree was filed on April 16 in the United States District Court, Western Pennsylvania District. The suit alleged that “there is a pattern or practice of conduct by law enforcement officers of the Pittsburgh Bureau of Police that deprives persons of rights, privileges, and immunities secured and protected by the Constitution and the laws of the United States.” The settlement instrument outlined specific policy and practice changes that the city had to comply with. It instructed the Bureau of Police to make comprehensive changes in oversight, training, and supervision of officers. Among the key elements was a requirement that the Bureau develop a computerized early-warning system to track individual officers’ behavior; document uses of force, traffic stops, and searches; and provide annual training in cultural diversity, integrity and ethics. The decree also required changes in the processing of citizen complaints, including liberalized filing procedures and more thorough investigations. As part of these reforms, the official complaint investigation agency was restructured. (Its name had already been changed from the Office of Professional Standards to the Office of Municipal Investigations, or OMI, just prior to the signing of the decree.) The reforms were to be monitored by a monitor who would report quarterly on the city’s compliance to the federal judge who issued the decree.<sup>28</sup> (A copy of the consent decree can be downloaded from [www.usdoj.gov/crt/split/documents/pitssa.htm](http://www.usdoj.gov/crt/split/documents/pitssa.htm).)

## **Purposes and Organization of the Report**

We used a variety of methods to abstract lessons from the Pittsburgh experience. Our primary means of gathering information was through in-depth interviews with police officials, the monitor, police officers, union members, OMI staff, human rights activists, and community leaders. Where we could, we also examined trends in measures of police accountability and activity, trends in the filing and investigation of citizen complaints, and crime indicators. Finally, we surveyed 400 Pittsburgh residents to ascertain what they knew about the consent decree and their perceptions about changes in policing since the decree was signed.

In the remainder of this report we use these methods to examine the following issues:

- **The city response to the consent decree**  
How did the city administration organize the implementation of the decree? What was the nature of the relationship between city officials and the monitor? How did the police union respond to the decree?

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<sup>28</sup> Although we use the term *monitor* in the report, the consent decree refers to the individual as an *auditor*. We chose to use *monitor* because we feel it better encompasses the wide range of activities that were involved in the oversight role.

- **Policy change in response to the decree**  
What changes did the Police Bureau make in policies on use of force, search and seizure, and traffic stops? How did training programs and practices change? What changes were made in how citizen complaints were initiated and investigated?
- **The early warning system**  
How was the system developed? What data are stored? How does it flag problem officers? How are these officers dealt with by the Bureau?
- **Effects of decree on how officers approach their jobs**  
Are officers more circumspect about their interactions with citizens? Has morale changed? Are officers less willing to get involved in discretionary situations? How have supervisors' jobs been affected by the decree?
- **Community leader opinions**  
What do leaders of community organizations, particularly in the black community, think about changes brought about by the decree? Do leaders believe that the decree has affected the way policing is done in Pittsburgh?
- **Trends in police performance indicators**  
Have there been changes in indicators of officer activity, crime rates, filings of citizen complaints, or dispositions of citizen complaints since the decree was signed?
- **Public opinion of policing**  
To what extent is the public aware of the consent decree? Does the public perceive changes in policing since the decree was signed?

## Implementation

The initial shock and disbelief among city officials that followed the news of the federal investigation soon turned into dogged determination to take a negative and turn it into a positive. The prevailing attitude according to one city official became, “Let’s do this thing right and get out of it.” City leaders resolved to comply with the decree even if they did not believe it was warranted. A few community leaders we interviewed told us that they remain skeptical about the mayor’s support of the consent decree, but others described his support as sincere. A police administrator characterized the mayor’s role as helpful and the attitude from his office as “Tell us what you need.” A human rights leader described the mayor as a “big supporter of the decree” who touts it to others as a model.

### Implementation Committee

Upon signing the consent decree, the city brought together a team that consisted of a broad range of representatives from city agencies — agencies that would serve an important ancillary role in the implementation of the decree as well as those directly affected by the decree. In all, 13 people sat on the committee that was charged with spearheading the implementation of the decree provisions. This team included the police chief and two of his command staff, the deputy mayor, the city solicitor, the public safety director, the manager of the Office of Municipal Investigations, the director of personnel, a representative from the budget office, the director of city information systems, and two consultants.

Conspicuously absent from the list was a representative from the police union, the Fraternal Order of Police (FOP). There was discussion among committee members about inviting the FOP to participate, but in the end, participation of the union was considered too risky given that it expressed strong opposition to the decree.

Early on, the implementation committee met once a week. The consent decree mandated that most reforms (the notable exception being the early warning system) had to be implemented within just 90 days, and this gave the committee an overriding sense of urgency. At least one member faulted the decree for the tight time constraints. He stated that in the early days of implementation, “Everyone focused on time rather than substance.”

The work of the committee included developing specifications for the early warning system, allocating funds for police training, and planning reforms to OMI. The large allocation (eventually \$1,000,000) needed for an early warning system was immediately recognized, but the city did not foresee the sizable allocation necessary for additional investigators for OMI.



## The Monitor

The role of the monitor is defined within the consent decree as monitoring the city's compliance with the provisions of the decree. He is to do this by examining official documents, analyzing information from Police Bureau and OMI databases, and interviewing staff of the two agencies. The monitor is also directed to create quarterly reports outlining compliance by the city. In choosing a monitor, Pittsburgh had many concerns. One was cost, since the decree stipulates that the city is to pay for the services of the monitor. Bearing in mind the other costs of the decree, Pittsburgh was not in a position to spend a large amount of money on the monitor. In addition to the concerns over expense, the Bureau of Police pressed for a monitor with knowledge of police organizations. In the end, the city and DOJ passed up several high priced managerial consulting firms, opting to contract with an academic and former police officer whom the implementation committee believed would have substantial knowledge about both police practice and civilian needs.

Selection of the monitor was a joint process between city and DOJ officials. Both parties screened and interviewed applicants, with the successful candidate approved by the judge who issued the decree. In our interviews with city officials, it was clear that they appreciated their involvement in choosing the successful candidate. Allowing the city to play the primary role in making the selection likely increased the confidence of city officials in the monitor and facilitated his work.

The monitor initially played an active role, going beyond the requirements of the decree and assisting the city with its implementation rather than simply evaluating its performance. When requested, the monitor aided the Implementation committee, which was facing the decree one deadline at a time without developing a master plan. "He gave us the framework for compliance," stated one committee member. The monitor produced a compliance manual, which broke down the provisions of the decree into manageable steps. He outlined the things he was going to look for at each stage.

The monitor also played a significant role in implementing the legal requirements in the consent decree. (For example, he operationalized "substantial compliance" in the decree as 95%.) His willingness to act as intermediary between the city and DOJ helped avoid disputes over interpretation of the decree.

One of the big concerns that police officials often have when they are placed under a monitor's eye is that the monitor may use his position to "grandstand" with the media, disclosing problems in a sensational way to gain publicity for himself. Early on, the Pittsburgh monitor adopted a three-stage reporting protocol that helped allay these fears and gain the trust of skeptical city officials. He first had candid conversations with the police chief about problems that he observed. Next, he shared drafts of official reports with the chief and discussed them prior to release. By the time the official report was released, the chief had had ample opportunity to respond to criticism and to alert the monitor to unusual circumstances or alternate interpretations of the data collected.

In fact, far from seeking to gain publicity, the monitor did not disseminate his reports to the public. Eventually, they were made available on the local ACLU website. But, for most of the monitoring period, most civil rights leaders—and certainly the general public—did not have ready access to the monitor’s findings. This meant that most people got information about the city’s progress through the media, which often played up negative developments, rather than the monitor’s reports, which showed substantial progress made by both the Bureau of Police and OMI (although they were filed with the federal court as public documents).

In his first year, the monitor did make an effort to meet with community leaders and interested parties. He attended several community meetings at which the consent decree was discussed. Some community leaders were disappointed when he failed to continue these appearances or to provide regular feedback to community organizations, but these were never officially part of his duties.

Still, praise for the monitor was nearly universal among both city officials and civil rights leaders whom we interviewed. “He played his role as a neutral party very, very well. He was very objective,” said one official. “He always listened to us, even when we disagreed. It was never adversarial.”

## **Bureau of Police**

The chief of the Bureau of Police played the most important role in implementing the consent decree. In his job for only a year when the decree was signed, the chief had been committed to pushing forward a reform agenda. For example, in December 1996, he had unsuccessfully applied to the National Institute of Justice (the Justice Department’s research arm) to fund a demonstration project that would attempt to predict and modify the behavior of potential problem officers.

The consent decree negotiated between Justice Department lawyers and the city incorporated many of the initiatives that the police chief had intended to implement. According to the chief, the Bureau of Police would have tried to adopt these ideas and practices even without a decree. In fact, in some ways, the consent decree was a godsend to the police chief. It circumvented the political battles that he would have had to fight with the union to implement reforms. It also ensured the City Council’s commitment to provide funds for the reforms. Agreeing to the decree, the city had no choice but to come up with the necessary dollars.

According to those we interviewed who were close to what was happening in the Bureau after the decree was signed, the chief was determined to make the decree work. One member of the Implementation committee summed up the chief’s attitude during this time by recounting, “The chief was very focused on getting the decree implemented.” According to the monitor, in their first meeting the chief said that “he would not only do it, but do it really well.”

An important part of the implementation process involved gaining the trust of officers who were hurt and angry over the implication that they were bad cops and suspicious that the early warning system would be used against them. Each officer was given a copy of the consent decree and told to read it. If they had any questions, they were directed to go to their commanding officer for an explanation. But officers remained afraid that they would be automatically disciplined if they were “indicated” by the early warning system.

In an effort to combat these fears, a subcommittee charged with designing the parameters for the early warning system was expanded to include representation and input from all ranks and zones in addition to command staff. According to one commander, “We got police officers represented on the police [early warning system] committee and it got better.” This subcommittee was hand picked by the command staff of the Bureau of Police.

Nonetheless, according to union officials, the rank and file remained suspicious of the decree and the changes that were occurring in the Bureau. The FOP had vehemently opposed the decree, and the chief’s support of it further damaged an already strained relationship between him and the union. The union continued to make statements against the decree but did nothing overt to derail the process, according to the monitor.

The Bureau made other changes that promoted the philosophy embodied in the consent decree. The chief directed the controversial narcotics Impact Squad to de-emphasize high profile drug “sweeps.” Instead, he ordered them to conduct surveillance operations in order to establish cause for their actions so that searches and seizures would be based on observations rather than suspicions. All police officers were trained in a new approach to policing that characterized citizens as customers. Officers were asked to put themselves in the public’s shoes and deal with citizens respectfully. Through its community policing unit, the Bureau began problem-solving initiatives in which community police officers worked with citizens to identify problems and then worked with city agencies to solve them. Community police officers also increased their outreach efforts to the community and became more involved in promoting block watch, property serial number marking, and other citizen anti-crime efforts.

### **The Office of Municipal Investigations**

Just prior to the signing of the consent decree, the city shifted responsibility for investigation of citizen complaints from the Public Safety Department (which oversees the Bureau of Police) to the Law Department. The office was renamed the Office of Municipal Investigations (OMI). Also, pursuant to the consent decree, the office was moved to a location out of the building that housed the Public Safety Department. These changes were undertaken to increase the independence of investigations (although some community leaders questioned whether the Law Department—which defends the city from civil suits—was the best choice to ensure independent complaint investigations).

As described in detail in the “Policy Change” section of this report, the consent decree made it much easier to file complaints against police officers, and by 1998 the average number of complaints per year had reached 800 compared to just 300 complaints prior to the decree. The decree also required that the investigative process become far more thorough and required more extensive reporting as investigators documented each step in the process. However, the resulting need for a substantial increase in OMI’s investigation staff was not immediately realized. The city initially did not allocate funds for additional investigative positions nor did the city solicitor request that additional police officers be assigned as investigators. In fact, OMI actually lost staff due to a provision in the decree that limits the amount of time a police officer can serve as an OMI investigator to three years. Some of the Bureau of Police investigators had as many as six years with OMI. They left, and OMI operated with a staff of just four investigators for most of 1997.

The early inaction forced the city to play “catch up” in an effort to bring OMI within the levels of compliance demanded by the consent decree. Between 1997 and 2000, OMI’s budget grew substantially from \$173,000 to \$353,000.<sup>29</sup> OMI hired several new investigators, most of them attorneys, and made improvements in the way the agency is managed. According to OMI officials, the new staff were put through a lengthy training program, including enrollment in the police training academy, but many soon left for more lucrative law jobs. Other new staff members were added, bringing the caseloads to a manageable 20 cases per investigator. By this time, however, there was a backlog of 500 unresolved cases that proved difficult to whittle down. In May of 2000, the agency divided investigators into two teams—one solely devoted to backlog cases. (This division was abandoned a year later.) This division, however, was temporary and a substantial number of unresolved cases remained when the backlog team was disbanded. As we will examine in the next section, the city’s slowness in increasing OMI’s budget may turn out to be costly as the city attempts to have the decree lifted.

OMI developed guidelines for working cooperatively with the newly-created Citizens’ Police Review Board (CPRB). These two parallel agencies regularly share complaint intake information, ensuring that each will be made aware of all complaints against officers and be given a chance to conduct its own investigation. On some cases, they conduct shared interviews. But OMI does not share the statements of police officers with CPRB, and CPRB does not have the power to compel officers to give statements. Nor does CPRB have access to data on officers’ history in the early warning system.

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<sup>29</sup> All budgetary information was retrieved from the City of Pittsburgh Public Documents website and staffing figures are as reported by the manager of OMI.

## Policy Change

The consent decree mandates changes to the written policies of both the Bureau of Police and the Office of Municipal Investigations. These revisions range from simple semantic changes to sweeping philosophical changes. In Pittsburgh, three different types of policy changes were carried out. The first represented policy adaptations specifically required by the decree. The second consisted of general requirements of the decree that left much of the spirit of the policy up to the city. The third were policy changes initiated by the city, either due to in-house concerns or at the suggestion of the monitor.

The Pittsburgh Bureau of Police, according to the monitor's reports, has been in operational compliance with all of the requirements set by the consent decree since August 1999.

### **The Bureau of Police**

With respect to the Bureau of Police policy, the consent decree sought to ensure adequate reporting of critical incidents such as police-involved shootings and to establish a system by which these incidents are reviewed. Toward this goal, the decree requires the creation of several new reports. The consent decree also calls for the implementation of a new use of force policy. Along the way, it also spells out a detailed strip search policy that the Bureau of Police was required to adopt.

*Use of Force.* The consent decree requires the Pittsburgh Bureau of Police to “develop and implement a use of force policy that is in compliance with applicable law and current professional standards.” The policy on the circumstances in which officers could use deadly force was already well within the law and professional standards. Where this portion of the decree required changes was in the reporting of lethal and less-than-lethal force, and the process by which the use of lethal and less-than-lethal force is reviewed by supervisors. According to one commander, “The only thing we had to change for the decree was our reporting system. Everything else is the same.”

The Bureau of Police policy on use of deadly force was very conservative before the decree. It had the narrowest scope possible: deadly force could only be employed in the protection of oneself or a third person from deadly force.<sup>30</sup> The Bureau's policy is even more restrictive than the state's. Under Pennsylvania law, a law enforcement officer is allowed to use deadly force in order to protect himself or a third person from deadly force or in the apprehension of a fleeing felon.<sup>31</sup> The Bureau's policy narrows the scope of this justification by excluding the “fleeing felon” provision. In order to bring its policy further into acceptable standards, the Bureau amended its “Discharge of Firearms” policy in

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<sup>30</sup> According to Alpert and Fridell (p. 71), this is “the most restrictive policy type.”

<sup>31</sup> Pennsylvania Crimes Code, § 508 “Use of force in law enforcement.”

1991 to require that a warning be given prior to the use of deadly force by a police officer whenever feasible, thereby further adhering to the standards set forth in *Tennessee v. Garner*.<sup>32</sup>

In addition to being in compliance with applicable state laws and case law, the Pittsburgh Bureau of Police use of deadly force policy fell well within the guidelines for both the Commission on Accreditation for Law Enforcement Agencies (CALEA) and the International Association of Chiefs of Police (IACP) and continues to do so. The IACP model policy, just as Pennsylvania state law, allows for the use of deadly force against fleeing felons who pose a significant threat to human life. CALEA has a more restrictive policy requirement stating that “an officer may use deadly force only when the officer reasonably believes that the action is in defense of human life, including the officer’s own, or in the defense of any person in immediate danger of serious physical injury.”<sup>33</sup>

With the introduction of the consent decree, the Bureau policy changed to mandate reporting of less-than-lethal force by police officers. This was accomplished through the creation of the Subject Resistance Report, which is to be completed each time a Bureau officer uses force, be it lethal or less-than-lethal. Prior to this policy, the use of less-than-lethal force was explained within the narratives of other Bureau reports such as arrest reports. The new Subject Resistance Report has the objective of capturing both the use of force by police officers and the level of resistance on the part of the subject in one document, completed each time an officer uses force in an incident.

The new report requirement is significant because policies regarding the reporting of the use of less than lethal force are still relatively new. Although the 1994 Violent Crime Control and Law Enforcement Act called upon the Attorney General to begin to collect data on national use of force, a 1996 study found that most departments did not yet capture this information systematically.<sup>34</sup>

The Subject Resistance Report is a two-page document. It contains the officer’s name, the date/time of occurrence, and the location of the incident. It also contains descriptive information concerning the subject such as race, gender, and age. Officers indicate the type of force used by checking a box on the report. The report also lists any injury data and the names of any witnesses to the events. This has added to the amount of paperwork officers must routinely complete, but, according to the command staff, it aids officers in describing the level of force they used and why they used it. One commander stated that prior to the consent decree, officers had a problem explaining their actions. They may have acted properly, but the explanation of their actions did not convey this. He said that when the Justice Department began dissecting force incidents in its investigation, many of the problems they took issue with were problems stemming from

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<sup>32</sup> *Tennessee v. Garner*, 471 U.S. 1 (1985).

<sup>33</sup> CALEA standard 1.3.2.

<sup>34</sup> T. McEwen, *National Data Collection on Police Use of Force*. Washington, DC: Bureau of Justice Statistics, 1996.

inadequate reporting. With the advent of the Subject Resistance Report, officers are given an appropriate venue in which to articulate the events leading up to and including the force incident.

The Subject Resistance Report also gives the Bureau of Police an opportunity to review each force incident and to evaluate officers' use of force in the aggregate. As part of the reporting system required by the Department of Justice, supervisors are mandated to review each force incident. Each Subject Resistance Report is reviewed by the shift sergeant and then by the shift lieutenant. It is then forwarded to the zone commander for final review. Aggregate statistics are compiled and present a picture of the overall use of force by the Bureau officers.

The new policies on use of force seemed to result in substantial changes in police-citizen encounters. The monitor commented in his tenth quarterly report that "the files reviewed continue to indicate an apparent under-use of force on the part of the officers...multiple instances were observed in which the articulated facts supported higher levels of police force than was used."<sup>35</sup>

*Search and Seizure.* The second policy that the consent decree slated for revision is the Bureau of Police policy pertaining to strip searches. As with the use of force policy, the consent decree states that the new policy must conform to any applicable state laws and to current professional standards. Unlike the use of force recommendation, the strip search mandate goes into great detail defining the provisions of the policy. According to the consent decree, strip searches are to be performed only with the authorization of a supervisor. They are to be carried out by specially trained personnel in a room specifically designed for these searches. Only the fewest number of personnel necessary are allowed in the room and they must be of the same sex as the subject. Field strip searches will be carried out only in exigent circumstances where human life may be at risk.

As a result of the decree, the Pittsburgh Bureau of Police created the Field Contact/Search/Seizure Report. This report, which has multiple uses, goes beyond the requirements of the consent decree in some respects. In addition to capturing information about all searches (strip searches, warrantless searches, consent searches, etc.), it captures information regarding the seizure of any property resulting from a search and field interviews of persons stopped by the police.

The report contains the involved officer's information, the date/time of search, and the location of the stop, search, or seizure. It also contains a place to check off the reason for the police action and a descriptive section for any vehicle involved. The first part of the report gathers information about field contacts—documentation not required by the decree unless there is a subsequent search involved. The subject's age, sex, race, and

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<sup>35</sup> Monitor's Tenth quarterly report, (2/00), p. 11.

general description are entered here. The second section deals specifically with searches. A description of what is searched is entered along with the type of search. This section also contains a space for the officer to articulate the justification for the search and a “consent to search” statement that is signed by subjects in cases where they are waiving their Fourth Amendment rights. The fact that consent is obtained in writing on an official police form goes beyond the requirements of the consent decree and distinguishes Pittsburgh from prevailing police practice. Lastly, any seized property is listed and a brief narrative is completed by the officer. This report is reviewed by the shift supervisor and forwarded to the zone commander for final review.

As with the Subject Resistance Reports, these reports are examined individually and in the aggregate. Zone commanders, prior to signing off on the report, review it in order to make sure that all of the actions were justified and carried out according to proper policy. Figures are compiled for the entire Bureau, each zone, and individual officers. These figures are discussed at COMPSTAR, the command staff meeting that focuses on accountability issues (see the section on the Early Warning System).

Pittsburgh’s policy meets CALEA national standards, which dictate that agencies must have a written strip search/body cavity search policy including privacy provisions and gender requirements for the personnel conducting the search.<sup>36</sup> By requiring that a written report be completed for these incidents, Pittsburgh exceeds CALEA standards.

*Traffic Stops.* The consent decree required the Bureau of Police to revise its traffic stop policy. In response, the Bureau created the Traffic Stop Report and trained its officers in the use of Verbal Judo, a strategy widely used by police departments nationally to provide officers with an effective method of handling interactions with citizens during traffic stops. The Traffic Stop Report documents pertinent demographic information concerning the drivers and passengers of vehicles stopped by officers as well as the results of any searches. The policy directive also contains provisions for internal checks on officer reporting. At the time of a traffic stop, officers are required to radio dispatch and relay information concerning the reason for the stop, the location, the license plate number of the stopped vehicle, and the race/gender of everyone in the car.

Information from the handwritten Traffic Stop Reports is entered in the early warning system, which generates reports based upon an analysis of each officer’s data against norms for his or her peer group. For example, officers working in zone 2 on the night shift are compared to other officers working in the same zone and on the same shift. Analysis can be carried out at the level of the individual officer, a particular zone, or department-wide.

Pittsburgh’s data collection system for traffic stops was one of the earliest created and uses a highly innovative method to analyze information. The number of stops made and

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<sup>36</sup> CALEA standard 1.2.8



the race and gender of people stopped is recorded, and these figures are compared with data on stops made by peers working in comparable assignments. This is the method recommended by Professor Samuel Walker, who argues that other methods commonly used to determine racial or gender bias are unreliable and difficult to interpret.<sup>37</sup>

*Training.* The consent decree includes several requirements related to police training in the areas of cultural diversity, verbal de-escalation, and supervisor skills. According to the consent decree, cultural diversity training should instruct officers in the skills necessary “to relate to persons from different racial, ethnic, and religious groups, and persons of the opposite sex.” The Bureau must also teach officers how to avoid “improper racial, ethnic, and sexual communication” through the use of communication. Training in the use of verbal de-escalation techniques gives officers the skills necessary to bring calm to a situation using words rather than force. Finally, the decree mandates that all officers be instructed in the complaint investigation process

The decree requires that all officers, either at the recruit stage or currently on patrol, be trained in these skills. It requires that all new recruits entering the police academy be trained in these topics shortly after hire and that this training be reinforced throughout the entire academy process. Current officers are to be instructed in these skills once a year as part of their in-service training.

The decree also requires that all supervisors be trained in supervisory and leadership skills. This training is to include topics in “accountability, integrity, and cultural diversity.” All supervisors are mandated to attend this training annually.

*Rotation.* The consent decree states that, “The city shall develop and implement a rotation schedule that ensures that officers regularly are supervised by and work with different officers.” The Bureau decided to comply with the requirement by transferring 25% of supervisors and 20% of officers annually. This has been one of the most unpopular policy changes with the union, which argues that the transfers reduce officers’ knowledge of the area they are patrolling and discourage bonds between officers and community residents.

### **Office of Municipal Investigations**

The Office of Municipal Investigations (OMI) is the complaint investigation body in Pittsburgh. It investigates citizen complaints concerning all city employees, including Fire Department, Sanitation Department, and the Emergency Medical Service workers. OMI also investigates all complaints concerning Pittsburgh Bureau of Police officers. In

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<sup>37</sup> Walker, S. “Searching for the Common Denominator: Problems with Traffic Stop Data and an Early Warning System Solution.” *Justice Research and Policy* 3, no. 1 (2001): p. 63.

fact, complaints about police officers and police practices form the majority of OMI's workload.

OMI is an amalgam of a civilian review body and an internal affairs office. The office employs both civilians and sworn police personnel as investigators. Even though OMI has sworn police investigators, the office remains independent of the Bureau of Police within the city organization, falling under the authority of the Law Department rather than Public Safety. This hybrid system of complaint investigation was created purposefully. According to the manager of OMI, "Early in its conception, city managers observed both internal affairs offices and civilian complaint review boards and blended the two into OMI."

The consent decree touches on all aspects of OMI's operation, from its physical location to the definition of its dispositions to initiation of civilian complaints to complaint investigation.

*OMI Offices and Procedures.* One of the first provisions within the consent decree for OMI deals with the physical location of the office. Prior to the decree, OMI, which was known as the Office of Professional Standards, was located in the Public Safety Building. This building houses the administrative offices of the Bureau of Police, among other city agencies, so there is a strong presence of uniformed officers in the building at all times. Some national civil rights organizations see this as a deterrent to the filing of a civilian complaint against a police officer. The American Civil Liberties Union, in its list of "Ten Principles for an Effective Civilian Review Board," held that all civilian complaint systems should have a location that is separate from police agencies.<sup>38</sup> Human Rights Watch, in its report on police accountability, considered the location of civilian complaint offices within Police Buildings to be "barriers to filing complaints."<sup>39</sup> In response to the consent decree, the city moved the OMI office to a downtown location in a private office building. This location is removed from Bureau of Police operations, yet remains conveniently close to public transportation.

The consent decree also required OMI to create and maintain a written manual detailing its policies and investigative procedures. According to the manager of OMI, it had always maintained a manual, but the manual was not available for review by the public. In December 1997, as a result of policy changes brought about by the consent decree, OMI created a revised written manual outlining all policies and procedures. This manual incorporates the many changes required by the decree. The manual begins with a statement of purpose and authority and details the duties of all employees. It then describes the complaint intake, investigation, and disposition process. This manual is available for review to anyone who requests it.

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<sup>38</sup> *Fighting police abuse: A community action manual*, (1997), ACLU Department of Public Education

<sup>39</sup> "Shielded from Justice: Police brutality and accountability in the United States," (1998), Human Rights Watch: New York.

*Staffing.* The consent decree mandates that OMI must be “adequately staffed,” but nowhere in the decree are specific levels of staffing defined. We noted earlier the slowness with which the city has reacted to the clear need for more investigators following the consent decree. Over the five-year period that the decree has been in effect, the city has increased the number of OMI investigators to 12, ten focussing on the Bureau of Police and two handling the caseload stemming from complaints about other city employees. OMI is slated to get three additional Bureau of Police investigators and another civilian investigator in the near future. In the meantime, however, the backlog has grown to large proportions and has forced OMI out of compliance with the terms of the consent decree.

Worse, staffing problems are likely not at an end. The average tenure for a civilian investigator at OMI is just one year. When investigators leave, they take their experience and training with them, leaving OMI with the task of training yet another unseasoned investigator.

*Training of OMI Investigators.* The consent decree set minimum requirements for the training of all OMI investigators. According to these guidelines, OMI investigators must be trained as police officers on certain issues, falling just short of certification. Specifically, it requires that they attend police academy training in policies related to use of force, searches and seizures, pursuits, transporting individuals in custody, restraints, arrests, traffic stops, racial bias, report writing, cultural sensitivity, ethics, integrity, professionalism, and investigative and interview techniques. Civilian investigators are to attend police academy classes on these topics. OMI investigators who are police officers fulfill this requirement by graduating from the Police Academy. In addition, it is OMI policy to send investigators to in-service training. This consists of refresher courses of the original academy training in addition to training in newly created policy or practice. This policy includes civilian investigators as well as those who are police officers. The police officers are to attend twice yearly as required by the Police Bureau and the civilian investigators attend annually. OMI investigators also have attended relevant seminars given by outside agencies. Examples of these include a search and seizure seminar given by the local bar association, seminars in interviewing techniques, and use of force seminars.

This training regimen set forth in OMI policy falls in line with and sometimes surpasses national standards for complaint investigation authorities. The National Association of Civilian Oversight of Law Enforcement (NACOLE) recommends that civilian complaint board members attend academy training and urges them to attend academy classes that “address issues in the complaint caseload, such as force application, communications, and dealing with the mentally ill.”<sup>40</sup> OMI policy satisfies this

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<sup>40</sup> “Recommended minimum training for a new civilian oversight board or new members to a board,” NACOLE, [online] <http://nacole.org>.

recommendation by mandating that all of its civilian investigators go to the Police Academy for formal training. According to the monitor, all OMI investigators have attended the “ethics and values, verbal judo, and cultural diversity training” offered by the police academy.

*Complaint Intake.* OMI’s complaint intake policy was completely revamped as a result of the consent decree. Prior to the decree, OMI only accepted complaints filed in person by the victim within 90 days of the alleged incident. The consent decree mandated that complaints could be filed by telephone, mail, or fax, in addition to in person. The consent decree also mandated that OMI accept and investigate anonymous and third party complaints. OMI’s policy expressly states that “complaints may be filed by the alleged victim him/herself or by a third party.” This policy also contains a bold typeface note that reads “OMI does accept anonymous complaints.”<sup>41</sup>

The Police Executive Research Forum (PERF), in its model policy for handling civilian complaints, recommends that “complaints be accepted from any source, whether made in person, by mail or over the telephone.”<sup>42</sup> PERF’s model policy goes on to recommend the acceptance of anonymous complaints. The new OMI policies represent a significant departure from the previous intake policies, bringing it into the realm of accepted national standards.

*Complaint Investigation.* The consent decree mandated many changes to the complaint investigation policies of OMI. Prior to the consent decree, OMI operated under an internal policy directive that put a limit on the amount of time it had to investigate a complaint. This policy (it is unclear whether it was a written policy or just an understood directive) mandated that all complaint investigations be completed within 60 days of the filing of the complaint. According to the manager of OMI, this practice was initiated in an effort to create a swift and timely complaint investigation process. The consent decree made no recommendations as to the time length of investigations, only requiring OMI to “aggressively” investigate all complaints.

However, once under the decree, OMI voluntarily changed its policy with regard to the length of an investigation. This was done in an effort to allow investigators increased time to conduct the thorough type of investigation outlined in the decree. Investigations were now required to be completed within 90 days of the initial filing, allowing more time to aggressively collect data and interview witnesses. Even so, according to the manager, the court-appointed monitor did not agree with the 90-day provision. He

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<sup>41</sup> Anonymous complaints also were accepted prior to the decree. However, they were terminated as “unfounded” if no corroborating evidence was found. The same is now true post-decree as a result of an arbitration settlement of a district court case between the city and the police union.

<sup>42</sup> “Police agency handling of civilian complaints: A model policy statement” in *Police Management Today: Issues and case studies*, (1985). James J. Fyfe (Ed.) International City Management Assoc.: Washington, DC.

believed a proper investigation sometimes needed more time. OMI again changed its policy, taking into account the monitor's concerns. The standard for the maximum length of time to complete investigations was increased to within 120 days of their initial filing. This time limit includes the investigator's final report, managerial review, and the forwarding of the investigation findings to the appropriate department head. The decree set no minimum time limit for investigations.

Policies with regard to uncooperative complainants also changed as a result of the consent decree. In the past, complainants who refused to cooperate with an investigation after initiating a complaint found that their complaint would not progress past filing. It was OMI's policy to classify these cases as closed and cease further action.<sup>43</sup> As a result of the consent decree, OMI must investigate complaints to the fullest extent possible.<sup>44</sup> This is a very liberal policy. Most police departments, through their collective bargaining agreements, have provisions barring the consideration of complaints without complainants. For example, the Administrative Rules for the Minneapolis CPRA dictate that any complainants who do not sign written complaints within 15 days will automatically have their case closed. Similarly, a reluctant complainant alleging brutality in the state of Maryland would not even have an initial intake completed under provisions of the Law Enforcement Bill of Rights.

*Complaint Dispositions.* The consent decree mandates that OMI change the disposition of "not sustained" to "not resolved." A finding of "not sustained" means that there was insufficient evidence to prove the alleged misconduct, but it does not mean that there was no misconduct. If the misconduct could be disproved, the finding rendered would either be "exonerated" or "unfounded." In everyday parlance, "not sustained" gives the impression that the facts of the complaint could not be proven or "sustained." The consent decree therefore mandated the semantic change from "not sustained" to "not resolved," the latter being a more neutral wording which does not convey a clear victory for either party in a complaint.

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<sup>43</sup> *Performance audit: Department of public safety office of professional standards.* (1996). Office of the City Controller: Pittsburgh.

<sup>44</sup> An exception exists for complaints filed more than 90 days after the incident that do not involve allegations of criminal behavior. Such complaints are classified as "unfounded" pursuant to a 1998 arbitration settlement of a district court case between the city and the police union.

*OMI's Compliance with the Consent Decree.* Over the five years of the consent decree, OMI has been in compliance with a large majority its requirements. The monitor recently reported, however, that the backlog still numbers around 500 cases, including 350 cases between three and ten years old. (The age of cases is disputed by OMI's manager, who claims that the oldest cases are actually four years old.) The backlog has become a major problem for OMI and has seriously hampered its ability to comply with the terms of the consent decree. In his tenth quarterly report, the monitor wrote, "The office [OMI] is adequately staffed when the number of completed cases equals the number of cases received by the office over a protracted period of time. During the last eight quarters, the ratio of complaints cleared to complaints received has never exceeded 75%." He goes on to state, "Resolution of the staffing and productivity issues within OMI have reached a critical stage, and threaten the overall success of the consent decree." In his 16th quarterly report, the monitor noted that OMI is understaffed, and went on to state that the staffing and backlog problem were "a most troubling development, directly threatening the city's ability to attain and retain compliance with a wide variety of requirements of the consent decree."

OMI has also been out of compliance for several quarters with a requirement of the decree that mandates that OMI produce final reports for each complaint investigated. The monitor cites deficiencies in documentation of investigations as one reason for non-compliance. However, the backlog also plays a role here. Investigation reports are supposed to include an analysis of the officer's prior complaint history. But the backlog means that many complaints remain unresolved. Therefore, according to the monitor, "the office cannot readily evaluate that which has not been resolved, and thus compliance [on this task] is affected by the backlog."

Lastly, OMI has been out of compliance since the 12th quarter with a directive to investigate aggressively allegations of misconduct. Once again, the monitor attributes this problem, in part, to the backlog. As part of his function, the monitor randomly samples the files of OMI and determines if the cases in his sample were properly investigated. The monitor checks for completeness of the investigation, including documentation of attempts to contact the complainant, canvassing for witnesses, documented attempts to interview witnesses, appropriateness of questions asked by investigators, and several other criteria. Ninety-five percent of cases must pass muster on all these criteria, but recently OMI consistently has missed this benchmark by a small margin.

These compliance problems have continued and even worsened through the 18<sup>th</sup> quarter, leading some to think about separating the performance of the Police Bureau under the decree from that of OMI. The head of the police union is quoted in the January 7, 2002, edition of the *Pittsburgh Post-Gazette* as saying, "You're dealing with two separate entities," supporting his assertion that the Police Bureau should be relieved of the consent decree. Some community leaders concurred with the idea that, if the Police Bureau maintained compliance, it—but not OMI—might be released from the decree.

## The Early Warning System

The early warning system is the centerpiece of the Police Bureau's reforms in response to the consent decree. The decree consists of a total of 74 individual tasks that the city must comply with. The first five of these tasks center on the creation and maintenance of an automated early warning system, a management tool designed to identify officers whose behavior is problematic.<sup>45</sup> Once these officers are identified, the command staff can intervene and provide remedial training and counseling before misconduct grows in severity and frequency. The consent decree calls for the creation of such a system and states that it must be in place and operational within 12 months of the signing of the decree.

*The national context.* Early warning systems are not punitive in nature. They are intended to highlight poor officer performance and provide a system to correct behavior, thus potentially saving a career rather than destroying one. According to Professor Jack Green of Northeastern University, "data [from these systems] should be used to save as many officers as possible."<sup>46</sup> He, along with other scholars and law enforcement experts, cautioned that "using an early warning system to punish officers will undermine its effectiveness."<sup>47</sup>

The concept of an early warning system is not something new to the realm of policing. The 1981 U.S. Civil Rights Report, "Who is Guarding the Guardians?" called for the creation of early warning systems in response to findings that a small number of officers accounted for the majority of complaints within police departments.<sup>48</sup> Pittsburgh was no exception to this rule: according to an internal performance audit of the complaint investigation system in Pittsburgh for the period from 1986 to 1996, three officers had 34, 28, and 21 civilian complaints, respectively.<sup>49</sup>

Early warning systems use algorithms to alert supervisors that officers have exceeded a predetermined threshold for significant events such as citizen complaints, traffic stops, use of force, etc. These databases can also be used to monitor aggregate trends for a department or a sub-unit within the department. Monitoring of officers entails three phases: selection, intervention, and post-intervention monitoring.<sup>50</sup> In the selection phase, highlighted officers are brought to the attention of the command staff. This occurs when

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<sup>45</sup> Walker, Alpert, Kenney. "Early Warning Systems: Responding to the Problem Police Officer", *NIJ Research In Brief*, July 2001.

<sup>46</sup> *Crime Control Digest* (9-10-2001), "Early warning systems are effective when informative, not punitive."

<sup>47</sup> Walker, Alpert, Kenney, Early Warning Systems: Responding to the Problem Police Officer, *NIJ Research in Brief*, July, 2001.

<sup>48</sup> Walker, S. (2001). *Police accountability: The role of civilian oversight*. United States: Wadsworth Publishing, p. 110.

<sup>49</sup> Performance Audit Department of Public Safety Office of Professional Standards. (1996). Pittsburgh Office of the City Controller.

<sup>50</sup> Walker, Alpert, Kenney.

an officer exceeds the limit or threshold for a particular category that is captured by the early warning system. The system, when asked to generate a report, will include the name of that officer on its “indicated” list. Some systems apply a weighted scale, giving officers a yellow or red flag depending on the number of infractions. To date, no national uniform standards have been established for what types of data early warning systems collect or the appropriate threshold levels for intervention.

Once an officer is selected or “indicated” by the criteria built into an early warning system, supervisors closely review the officer’s conduct and circumstances to determine if there is a potential problem. In many cases, no action is warranted. In others, the identification may prove to be an indication that an officer is particularly active and merits a commendation. Officers who are found to have problems enter the intervention phase. Again, there are no uniform standards for the type of action taken. It may simply consist of a talk with a first line supervisor, or it may be quite in-depth, involving retraining and psychological counseling. After intervention, officers then enter the monitoring phase. Here, an officer’s performance in the field is evaluated and scrutinized. This is usually accomplished through informal random evaluations by a first line supervisor. More advanced systems call for a formal process where supervisors complete written evaluation reports after every field observation.

The goal of this process is to modify officer behavior through non-punitive means. Officers are retrained, giving them the tools to deal appropriately with the demands and intricacies of police work. This process has proven to be extremely effective. In the only research-based evaluation of these systems, Walker, Alpert, and Kenney found that “early warning systems appear to have a dramatic effect of reducing citizen complaints and other indicators of problematic police performance among those officers subject to intervention.”<sup>51</sup> The Walker, et al. study found that early warning systems are gaining in popularity. The report shows that 27% of the police agencies that serve populations of 50,000 or more have early warning systems in operation.

*Pittsburgh’s PARS database.* The consent decree requires that the Pittsburgh early warning system capture officer data in nine separate areas: civilian complaints, officer involved shootings, criminal investigations of officers, civil claims against officers, lawsuits against officers, warrantless searches, use of force, traffic stops, and the use of discretionary charges. The decree further stipulates that the system have the ability to report this information categorically by individual officer, squad, zone, shift, or special unit. All relevant information dating back three years prior to the signing of the decree must be entered and maintained in the system for three years after the officers’ severance from the department, after which it will be indefinitely archived. It is clear from the

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<sup>51</sup> Walker, Alpert, Kenney.



Walker, et al. report that advanced automated systems that report on multiple criteria, such as the one developed in Pittsburgh, are in the minority.

For most categories of data, the decree does not stipulate what thresholds need to be exceeded to warrant intervention. These decisions were left to the Pittsburgh Bureau of Police. The decree also makes no specific reference to a particular system. In essence, all of the operational details of the system were to be decided upon by the city. The consent decree only required the minimum categorical data that were believed to be essential to indicating troubled officers.

## **Designing PARS**

The City of Pittsburgh responded to the requirements of the consent decree by assembling a team of senior staff members of the Pittsburgh Bureau of Police and senior members of other city agencies. Right from the start, the police chief felt it was important to find an alternative to the phrase, “early warning system,” which he felt would be threatening to police officers. The team settled on the name “Performance Assessment and Review System” or PARS. The name helped shape the system that was developed—one that would identify positive officer behavior as well as problem behavior. The end result was a system that far exceeded the decree’s stipulations.

Upon signing the decree, the city, led by the Police Bureau, conducted a national search of existing early warning systems. Officials envisioned that one of these systems could be adapted to Pittsburgh’s needs. The reality, they found, was that the vast majority of the systems collected and reported on only a few categories of data. Some, such as the system in use in Minneapolis, rely solely on civilian complaints when indicating an officer.<sup>52</sup> Others expand on this to include use of force incidents and internal disciplinary actions, but again, this was a narrower scope than Pittsburgh officials wanted. It was soon realized that the only way to have a system that fulfilled the requirements of the decree, as well as the expanded requirements of the chief, was to build one from the ground up.

The city contracted with a private-sector software company to aid in the creation of the early warning system. This company was responsible for developing software that could capture all of the data required by the decree as well as other performance data. Over the course of several meetings, a system was designed that could capture data in 18 different categories. These categories represented items required by the decree, items that research had shown to be linked to officer performance, or information that was important to the command staff.

The development of PARS took a considerable amount of time and money. As required by the consent decree, the Pittsburgh Bureau of Police had an operational early warning system in place within the first year. This initial system proved to be problematic, including many kinks such as false indications. In fact, the city decided to

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<sup>52</sup> Walker, Alpert, Kenney.

end its contract with the initial software vendor and hire a new company to repair the shortcomings. By the second year of the decree, all of the problems had been resolved and PARS as it exists today was fully operational.

The initial cost of the system was \$500,000 for software development. In 1998, this initial expenditure was followed by \$314,000 for computer hardware, \$11,000 for miscellaneous computer services, and a further \$200,000 payment to the second software vendor. This brought the total price for the PARS system to more than one million dollars. The city paid for the entire cost out of its general budget.

## **Operation**

PARS collects data on a wide range of categories and send alerts for any officer who exceeds predetermined thresholds for any particular category. The system is also used by the command staff to conduct aggregate analyses. As required by the consent decree, the system tracks trends in uses of force, searches, and citizen complaints.

PARS exceeds other early warning systems in that it collects data on 18 categories of incidents. Moreover, in some of those categories the threshold is determined by an officer's peer group through the use of a standard deviation calculation. At the time of its creation, this feature was unique to PARS. Since then, the use of peer groups and the standard deviation calculation has been employed in other systems.<sup>53</sup>

Part of the development of PARS included the defining of thresholds used to indicate officers. The Bureau of Police empanelled a Protocol Committee charged with deciding what the appropriate thresholds should be. This and other committees were made up of representatives from every rank within the Bureau.<sup>54</sup> Most early warning systems employ a fixed number of incidents within a specific time frame as the threshold. A study of early warning systems by the National Institute of Justice revealed that 67% of the early warning systems in use require "three complaints within a given timeframe," usually six months.<sup>55</sup> This is somewhat true of the complaint section of PARS although the calculus involved is more complex. The most pressing question for the Protocol Committee was what type of threshold to use for officers' traffic stops, arrests, use of force, sick time, and searches and seizures. This was the first time an early warning system attempted to capture this range of information, and, therefore, the committee had to decide how to make use of it.

The committee worried that if a fixed number of incidents per timeframe was used as the threshold, officers who were inactive would be "rewarded" by not being indicated, and productive officers would be indicated because of their positive activity. In addition, officers who work in areas with high criminal activity would be at a marked disadvantage

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<sup>53</sup> As per personal conversation with Karen Amendola of the Police Foundation.

<sup>54</sup> Performance Assessment and Review System: A Detailed Project Document. Pittsburgh Bureau of Police internal document, April 26, 2000.

<sup>55</sup> Walker, Alpert, Kenney.

because their incidents of arrest, searches, and citations would be inflated. The protocol team devised a method that produced fair and effective thresholds. Instead of being compared to set numbers, the officer's figures are compared to figures for peer officers. This is accomplished through the use of standard deviation calculation. Figures for traffic stops, arrests, sick time, use of force, and search and seizures fall around a central number, a mathematical mean or average. Some officers will have higher figures and others will have lower figures. Officers whose activity falls one or more standard deviations away from the average for their peers are indicated. In PARS, officers are compared to their peer group within their command and shift. For example, officers working in Zone 2 on the evening shift will be compared to other officers working that same shift in that same zone. Officers assigned to special details (narcotics or community-policing units) are compared to their peers in that unit.

### **What PARS Captures**

There is no definitive standard to date for what information an early warning system should capture, but there is some consensus among scholars and practitioners. Some scholars suggest that data concerning civilian complaints, firearm discharge, use of force, civil litigation, discretionary resisting arrest charges, pursuits, and accidents should be included in early warning systems.<sup>56</sup> In addition to all of the categories required by the decree, PARS also collects data on officer-involved vehicle accidents, sick time usage, missed court appearances, and the use of excused absences, absences without leave, and absences due to suspensions. The following is a complete list of all of the data captured.<sup>57</sup>

- accidents
- arrests\*
- awards, commendations, recognition\*
- citizen complaints\*
- civil or administrative claims arising from official duty\*
- civil claims regarding domestic violence, untruthfulness, racial bias, or physical force occurring either on or off duty\*
- criminal investigations of officers\*
- disciplinary action\*
- discretionary charges filed by an officer\*
- mandatory counseling attended\*
- missed court appearances
- officer involved shootings, both hit and non-hit\*
- sick time
- traffic stop data\*
- use of force\*

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<sup>56</sup> Walker, Alpert, Kenney.

<sup>57</sup> Performance Assessment and Review System: A Detailed Project Report, p. 3.

- warrantless search and seizures\*
- excused absences, absence without leave, and suspensions

*\*Data required by the consent decree*

PARS is housed on a secure intranet system. All of the information PARS captures is generated from other systems in use within the city. The computer systems that are used for COMPSTAT purposes (crime analysis) and record management purposes feed arrest and traffic statistical data into PARS. Complaint information is culled from the computerized files of OMI. Other information may be located in Personnel Department records or in the office management system, all of which dump their information into the computerized files of PARS. The result is a system that collects all of the necessary data instantaneously from several systems located in different offices.

### **How is PARS Used**

The PARS system has become an integral part of the supervisory structure in Pittsburgh. Each day, prior to roll call, supervisors log into the PARS system. Once the secure login process is completed, supervisors are presented with a screen that contains alert and notification information.

The alert feature lists any officer who has had a critical incident, such as a car accident or a civilian complaint, that was recorded in the PARS system since the last time the supervisor logged in. This does not mean that the officer exceeded a threshold and therefore needs intervention; it only alerts the supervisor to the fact that the officer is one step closer to being indicated. For example, if an officer misses a court appearance or is the subject of a civilian complaint, his or her name will appear in the alert list. This allows supervisors to notify the officer about the incident, checking that it is valid and not an error in reporting. And it allows supervisors to counsel the officer informally and discuss other performance issues in a proactive “localized” manner prior to any formal action.

The system also transmits corrective action or instructions from the command staff or senior supervisors to sergeants. Once decided, these actions and the specific directives associated with them make up a notification. A notification may consist of an order to observe an officer’s performance or to take additional corrective action. This system also notifies the commander when the supervisor receives the notice. When corrective action is warranted, senior supervisors can opt to attach a completion date to the notification. If the first line supervisor does not return a message describing the action taken and the completion date, then the notification is marked “overdue.” First line supervisors who fail to take action in a timely manner may be subject to corrective action themselves. This ensures that all notifications are addressed and adds to an atmosphere of accountability within the department.

After addressing all of the alerts and notifications, supervisors are then presented with a ranked order list of indicated officers under their direct authority. This list is in order of supervisory need—an officer with five civilian complaints will appear before an officer with three civilian complaints. These are the officers that the supervisor must observe and assist with any retraining.

Unlike many early warning systems, PARS was designed to identify positive behaviors as well as negative. This is made possible by the algorithm PARS uses to target officers, which identifies *any* exceptional behavior—good as well as bad. Officers identified by PARS often receive positive recognition, a feature which makes PARS highly unusual among early warning systems.

PARS represents a sweeping change in the duties of the lowest level supervisors. In traditional policing, sergeants are associated with field supervision and management. In many police agencies, sergeants perform policing duties alongside their officers, often making arrests, answering calls for service, and performing other law enforcement duties themselves. The Pittsburgh Police Bureau, through the PARS system, has substantially changed the duties of the first line supervisor. According to one commander, “accountability [now] transcends all ranks.” But this change comes at a price. Supervisors are expected to continue performing many of their traditional duties while meeting the required duties associated with PARS and the consent decree. These new duties, such as reviewing all Subject Resistance Reports, Daily Activity Reports, and Search and Seizure Reports, and performing guided field evaluations, have proven to be extremely time consuming and leave less time for sergeants to perform more traditional field supervision and management. We explore supervisor reactions to these changes in the section of the report titled “How the Consent Decree Has Affected the Way in Which Officers Approach Their Jobs.”

## **COMPSTAR**

What makes PARS a potent force for accountability are the quarterly COMPSTAR meetings. As part of our analysis, we attended a COMPSTAR meeting. In addition, we interviewed commanders, supervisors, and police officers, specifically asking them about PARS and COMPSTAR. COMPSTAR is a command level meeting modeled after COMPSTAT, the crime management initiative that began in New York City and quickly spread to departments nationwide. In COMPSTAT, criminal incident data is mapped out and individual precinct commanders are held accountable for reducing concentrations of crime in their precincts.

COMPSTAR shares the same philosophy, but the focus is on personnel management rather than crime statistics. In this meeting, the command staff discusses officers who have been indicated by the PARS system. The entire command staff of the Police Bureau is in attendance. The COMPSTAR meetings use up the majority of an entire workday, lasting up to eight hours.

Each commander at the COMPSTAR meeting makes a presentation based on a report submitted to the chief. This report details all of the officers indicated within that zone, the reasons behind the indication, and the corrective action taken, if needed. The report concludes with a recommendation by the zone commander to intervene or not. The presentations follow the same pattern. First, zone commanders detail the aggregate figures for their zone. Commanders often list the aggregate data for use of force, searches, and complaints, noting any increase or decrease over the last reported quarter. Large increases must be explained and justified.

After the aggregate reporting, the commanders focus on individual officers. Officers who have been indicated are discussed in detail. The first group covered consists of officers who were indicated in the current quarter, usually 20-30 officers per zone. As he or she discusses an officer, the commander may add pertinent information that may not be clear from the PARS reports, such as assignments and special details or initiatives. For instance, an officer may be taking part in a quality of life campaign in a public housing area that would generate higher numbers of summonses issued than his or her peers. The ultimate decision to intervene or not lies with the chief, but he follows the recommendations of unit commanders in the vast majority of cases.

All ranks within the Bureau are subject to these proceedings, but few of the indicated officers will have action taken against them. When an action is taken, it is usually to monitor an officer through supervisory field checks. In rare cases, officers are ordered to undergo counseling or retraining.

The second group of officers discussed in the meeting consists of those indicated in a prior quarter and still undergoing intervention and monitoring. Commanders focus on the officers' performance after intervention. They also describe the type of intervention the officer underwent and how he or she responded. Again, the commander concludes with a recommendation either to continue or end the monitoring. According to the monitor's tenth quarterly report, 19 officers were determined to be in need of additional monitoring in the ninth quarter. They were again discussed in the tenth quarter and according to the monitor "some...showed marked improvements."

The COMPSTAR meeting is an open forum. The tone is courteous and respectful, not confrontational as COMPSTAT meetings can be in some cities. After each presentation, all commanders have an opportunity to contribute their ideas and voice their concerns. Often commanders advise each other about officers who were once under their command but who have subsequently been transferred out. This allows each commander to have a better knowledge and understanding about each officer, even the newest. In fact, most commanders know their officers by name. The chronic problem officers seem to be known by all within the Bureau.

COMPSTAR is also an opportunity for the Bureau to review data that may lead to changes in policies or training. At one COMPSTAR meeting, it was noted that many of the use of force incidents resulted from a lack of communication and de-escalation skills.

As a result, the entire department was re-trained in the use of better communication skills. At another meeting, administrators discussed the results of a recent policy advocating the use of pepper spray in certain situations and how information captured on subject resistance reports could be used to tailor training programs at the academy.

The monitor regularly attends COMPSTAR meetings. Prior to the meeting, he examines PARS reports and marks those officers whose behavior he considers the most egregious. He checks to see that these cases come up during the meeting and that appropriate action is taken. He said that the need for his presence at these meetings is long since over: the Bureau has adopted this procedure as its own.

## Community Views on the Consent Decree and its Impact on Policing

Concerns about policing within segments of the community were a key force leading to the consent decree, and public confidence in policing is, therefore, an important yardstick by which its success should be measured. As well as allowing us to assess some of the decree's successes and limitations, an examination of the community's views also highlights opportunities for understanding and taking into account the views of the community in the implementation of future consent decrees.

This research explored the views of the community from two perspectives. First, we spoke to ten community figures who had a keen interest in and involvement with police reform in Pittsburgh: the head of the Citizen's Police Review Board, a City Council member, the director of Pittsburgh's ACLU, a community organizer focusing on youth outreach, a community justice organizer, two members of Pittsburgh's NAACP, the head of the Urban League, a former police officer, and the director of the NAACP. Eight of the leaders were African-Americans; six were women. We asked community leaders a series of questions regarding the consent decree and its effect on community-police relations.

Secondly, we carried out a telephone survey of residents who lived in the Police Bureau's Zone 2. This zone was selected specifically because it had roughly equal numbers of white and African-American residents. (Other ethnic groups make up only a small fraction of the population.) This balance between racial groups allowed us to make direct and reliable comparisons between the views of the two groups. Details of the sampling process and demographic make-up of the sample are contained in Appendix A. Full tables on survey responses are provided in Appendix B.

Some common themes arose as people representing various organizations gave their perspective on how federal monitoring affected the city and the police force. According to the community leaders we spoke with, the consent decree was a progressive tool, essential to Pittsburgh's efforts to reform the Police Bureau. Leaders perceived a commitment to change within the police administration but remained critical of OMI and worried that accountability was not yet ingrained in the culture of the Police Bureau. The survey suggested that Pittsburgh residents were generally positive about the idea of the decree, even if they had somewhat mixed views on the changes and nature of policing under the decree. For example, they were reasonably positive about the state of police-community relations under the decree, but were less positive about specific issues, such as police abuse of force and the complaints process. It was also clear that African-Americans were consistently less optimistic about how much policing had changed under the consent decree than whites. The lower evaluations of police by African-Americans in Pittsburgh are consistent with survey findings from other U.S. cities.



## Public Reactions to the Consent Decree

Reflecting on the period before the consent decree was adopted in Pittsburgh, community leaders were critical of the police. This is perhaps not surprising, given the involvement of community organizations in the activity that led up to the decree.

Some community leaders felt that the Police Bureau engaged in what one respondent described as “old-style policing.” Citing examples of illegal searches, harassment, verbal and physical assault, and deadly use of force, leaders stressed that there was a lack of public accountability. One respondent stated that “not only blacks, but whites had complaints about beatings, illegal searches, and verbal abuse.” Problems as perceived by community leaders included brutality, misconduct, and racial profiling.

One community leader stated, “There is a list of black men killed under suspicious circumstances. We are not sure what the reason is or who is at fault, but it matters that they [the community] believe the police are at fault.” The idea that the community perception of police can be just as important as the reality was something several leaders emphasized. One African-American woman stated, “The perception is that the police were unfriendly to the African-American community.”

A number of the leaders we spoke with underscored the notion that for many years the city of Pittsburgh, like many urban areas, has been grappling with a past characterized by racism and segregation. As one of the respondents said, “The consent decree is catch-up for 20 years of misconduct.” Feelings about the Police Bureau were tied up in a larger narrative of racism, misconduct, and unfair treatment—a narrative that the consent decree alone could not address. Some community leaders felt that the wave of early retirements in 1993-95 contributed to the climate that brought about the lawsuits. As one put it, “For a period of time the department brought in a lot of young white, suburban officers and the face of the force is predominately white.” The problem, in the words of one leader, was that “the symbol of the police officer frightened rather than comforted folks.”

Against this backdrop, the idea of the consent decree drew strong public support. Among community leaders, it was viewed with hope. One leader explained that she viewed the decree as meeting two separate objectives: one was to change policing “qualitatively” and the other was, as she noted, “to establish management objectives and to figure out how to put into place a system of measurement.” Another respondent expressed the belief that the consent decree provided leverage, though ultimately, “Any change is contingent on political will.”

The survey of Pittsburgh residents in Zone 2 revealed that they were also positive about the decree. About half (47%) had heard of the consent decree. The overwhelming majority of those who knew about it got their information from television, newspapers, or radio. After the decree was described to respondents, all were asked whether they thought it was necessary. The consent decree drew overwhelming support from both whites and blacks, with 84% of people saying it was necessary to improve the quality of policing.

## Perspectives on Decree Implementation

Many of the community leaders we spoke with emphasized that they viewed the leadership within the city and in the Police Bureau as a key factor in the effective implementation of the decree. Several expressed confidence in the police chief, describing him as “progressive,” and noting that “he cares about standards and accountability.” However, they described mixed messages coming from the mayor and wondered whether the antagonistic sentiments he expressed prior to the signing of the decree might affect its success. Some felt that the reticence of city leaders contributed to low morale within the department and resentment among police officers and the F.O.P. (the police union) towards the decree and the police chief.

The federal monitor was given high marks by community leaders for his efforts to implement the decree. All agreed that he was “a decent guy” even though some felt he was getting a “slightly incomplete story.” One leader mentioned that the monitor had listened to concerns and seemed genuinely interested. Some leaders voiced concern, however, about the design of the monitoring role itself. Even though the consent decree defines the monitor’s role as a narrow audit function, it was evident that some leaders thought the role should be more broadly defined. One leader stated, “Don’t do it this way again,” arguing that the impartiality of a single monitor was vulnerable to compromise, and suggesting that a team would be “harder to manipulate.” The idea of having a team of monitors instead of one was appealing to several community leaders. One leader suggested that the team include local people and that sources of information in addition to the Police Bureau or OMI records be included. Another suggested that the decree ought to mandate greater communication between the monitor and community groups.

Community leaders worried that many citizens remained ignorant of the decree and its provisions. According to a prominent black leader, “The average man on the street is unaware of change, but the community leaders are very much involved.” A few leaders attributed this to poor marketing and outreach. As noted above, however, nearly half of Zone 2 residents (47%) had in fact heard of the consent decree—a sizeable proportion. This figure was similar for whites and African-Americans. Those residents who knew about the decree were asked what changes they thought it required the Police Bureau to make. These answers were not constrained by fixed categories, and respondents were able to answer in their own words. Though only a small minority of respondents appeared to have a detailed understanding of the specific requirements of the decree, answers reflected an understanding that the police needed to improve, particularly in relation to such issues as fairness, accountability, treatment of African-Americans, and handling of complaints. Responses included:

- They need to improve relationships with communities.
- Make an attempt not to be biased about anybody—treat everybody alike.
- If there is a complaint, it should be looked into.

These responses suggest, in fact, that those who had heard of the decree typically had at least some understanding of its aims.

### **General Perceptions of the Decree's Impact**

All of the community leaders saw the consent decree as a useful management tool that functioned to increase accountability and improve practice. One leader mentioned that the data collection system was “excellent” and that the decree had given the community greater confidence in the police. Another leader commented that the consent decree got the police “headed in the right direction” and a third suggested that the decree “gave people an opportunity to feel as though they had a voice.” One community leader felt that some white and black officers were working better together and that they were responding more quickly to calls for service from the African-American community. “It seems they are trying to ask more questions and there is more respect for the community,” she said. Similarly, others praised the new Police Bureau training programs as “positive for the whole community.” The amount of national attention the consent decree generated was also a positive outcome, maintained one leader. According to her, the decree prompted prominent national leaders like Hugh Price (President of the Urban League) and Kwesi Mfume (President of the NAACP) to become involved in Pittsburgh.

While community leaders viewed the consent decree as an important development, many voiced skepticism as to whether or not the Police Bureau had fully complied on all levels. As one respondent praised the decree, she also expressed concern:

The consent decree has very lofty management goals. The early warning system is a well thought out, very sophisticated monitoring tool. However, when you rely on self-reporting, the system is problematic. Unless supervisors are out on the prowl, who's to say things are being properly reported?

Another leader also had mixed feelings about progress:

Why hasn't Pittsburgh erupted like Cincinnati? People are not satisfied, but we've done things to try and address the situation. With the consent decree and CPRB, we made some good steps. They have eliminated some of the frustration, but are we really getting at everything?

More than one community leader argued that while the decree mandated better supervision of officers, there was no requirement for oversight of supervisors. Lack of supervision, some asserted, allowed for manipulation of statistics and information and underreporting. One leader took a very skeptical view, saying, “Nothing is any better.

The city’s liability is less, but not much has changed. Public accountability is not there yet.”

The opinions of residents of Zone 2, as captured on the survey, echoed those of community leaders. Among those who had heard of the decree, 45% felt that policing in Pittsburgh had improved since the decree was signed. However, 41% saw no improvement, and 11% felt that things had gotten worse (3% had no opinion).

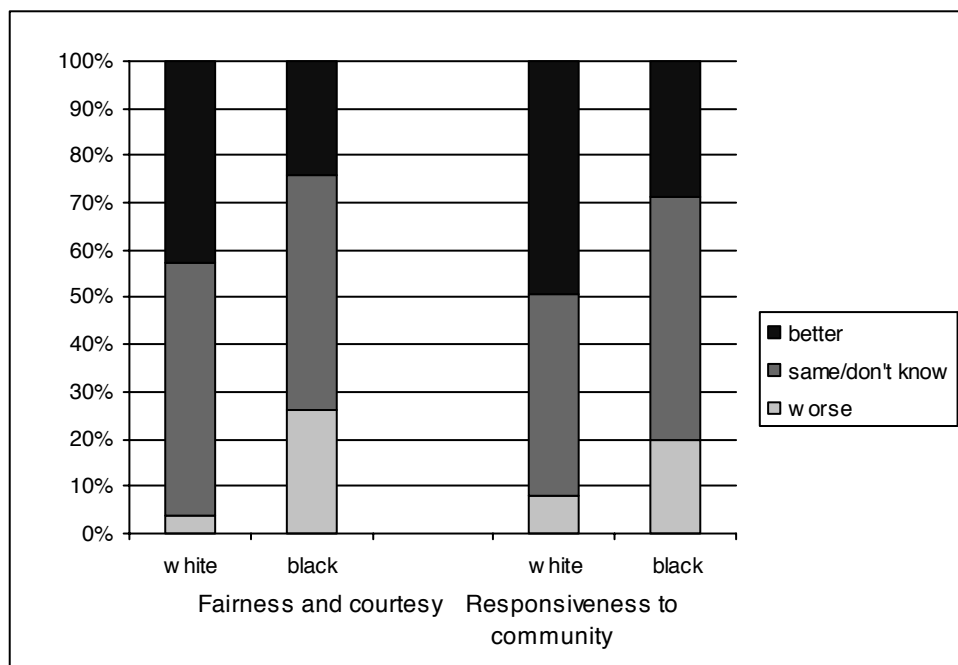
### **Changes in Police-Community Relations**

The decree was designed to address police behavior towards the public in a number of different ways. In addition to providing an early-warning system for potential “problem” officers, the decree mandated training in diversity issues, communication, and verbal de-escalation techniques. It also mandated continued efforts within the Bureau of Police to participate in community meetings, including those organized by or oriented towards minorities.

We have already noted that there was optimism from community leaders about changes to police-community relations following the introduction of the consent decree. Two sets of survey questions assessed the general public’s perceptions of the relationship between the police and the community. We asked survey respondents about changes in fairness and courtesy among police officers and changes in responsiveness to the community over the five-year period of the consent decree.

A substantial minority of Zone 2 residents (34% and 41% respectively) thought there had been improvements in these dimensions of police-community relations in the last five years. Similar proportions were likely to identify no change, and a small minority perceived things to have deteriorated. These views differed substantially according to racial background, with African-Americans having far more pessimistic views. While more than 43% of white people thought policing had improved in terms of fairness and courtesy, this was true for just 24% of African-Americans. Similar patterns were observed on the question of changes in police responsiveness to the needs of the community: while half of white people thought it had improved, this was true for less than a third of African-Americans. Figure 1 presents key findings for whites and African-Americans.

Figure 1. Perceptions of change in police-community relations over last 5 years



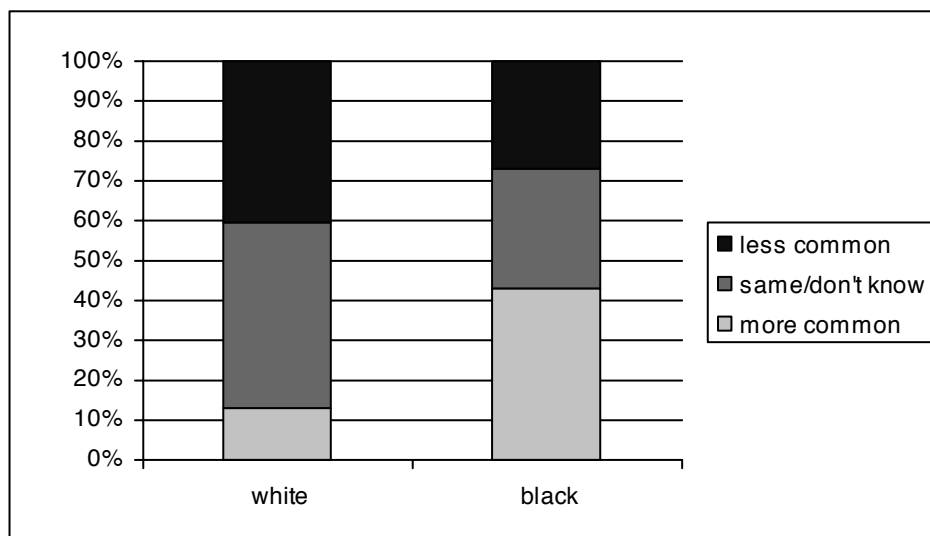
When asked for their views on the current state of police community relations, respondents were generally positive, with 65% thinking the police were doing a good job of treating citizens in a fair and courteous manner, and 64% claiming they were doing a good job of responding to the needs of the community. There were, once again, sizeable disparities between the perceptions of whites and African-Americans. For example, 73% of white people compared to 53% of African-Americans thought the police were fair and courteous.

### Perceptions of Police Abuse of Force

The consent decree emerged against a backdrop of alleged police misconduct including allegations of abuse of force by police officers. Through a revised use-of-force policy and monitoring of force incidents, the decree looked to address this issue. Survey respondents were asked whether they thought police abuse of force had changed in the five years since the decree was signed.

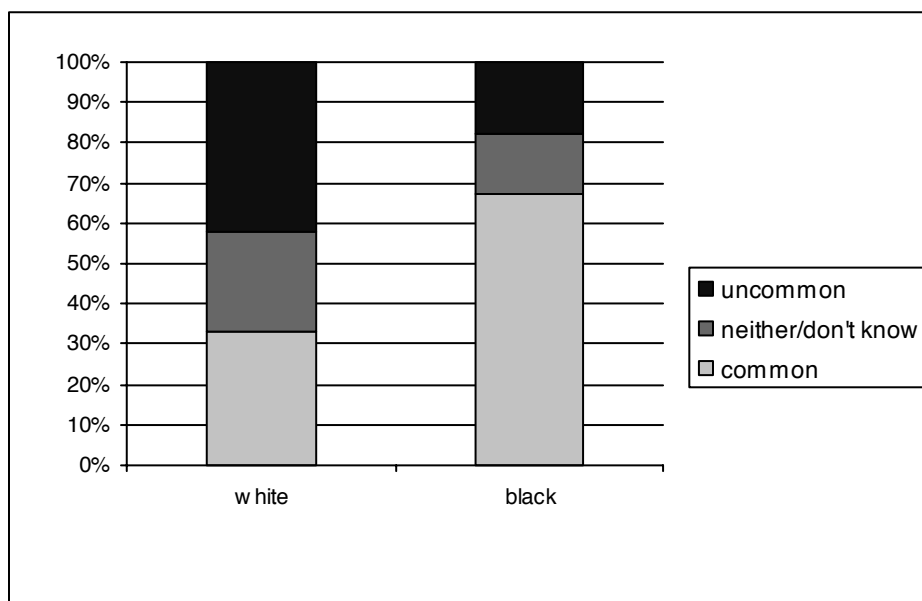
Overall, 34% of people felt that police used excessive force less often than five years ago. This compares to 29% who felt things had stayed the same, and 27% who thought things had become worse. African-Americans were, once again, more pessimistic than whites as to whether change had taken place: 43% of African-Americans thought abuse of force was more common, compared to only 13% of whites. Figure 2 highlights some of the key differences.

Figure 2. Perceptions of change in police abuse of force over last 5 years



When asked about current conditions, 48% of Zone 2 residents still believed use of excessive force was “somewhat” or “very” common, with substantial variation between whites and African-Americans. While 33% of white people believe that excessive force is commonly used by the Police Bureau today, 68% of African-Americans believe excessive force is common. Figure 3 illustrates these findings.

Figure 3. Current perceptions of police abuse of force



The survey findings contrast with the monitor’s reports, which state that Pittsburgh officers are typically under-using force, rather than over-using it. So there is a disjunction—or at least a time lag—between actual police practice and public perceptions

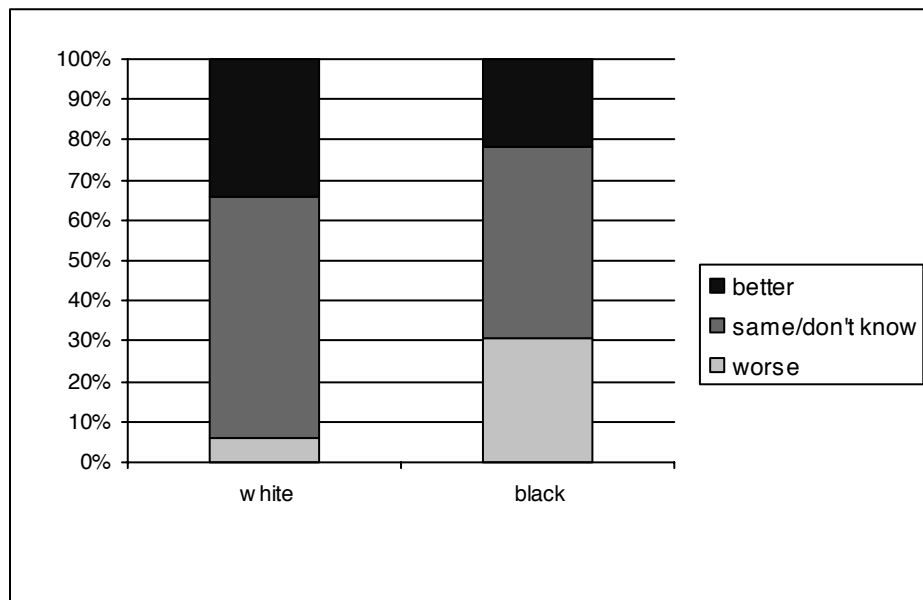
of police practice. This seems to apply generally to reforms made in response to the decree: in spite of substantial progress made by objective standards, realization of the changes has been slow to reach the public.

### Perceptions of Treatment of African-Americans

Specific allegations of racism within the Police Bureau played a role in the emergence of the consent decree. Provisions within the decree looked to address potential racism, for example by monitoring police activities according to the race of suspects and monitoring complaints about racism. Survey respondents in Zone 2 were asked whether they felt that police treatment of African-Americans had changed during the five years of the decree.

Thirty-four percent of whites and 22% of African-Americans thought that the treatment of African-Americans had improved over the past five years (see Figure 4). However, an even larger proportion of African-Americans felt that police treatment of members of their community had gotten worse since the decree.

Figure 4. Perceptions of change in the treatment of African-Americans over last 5 years



When asked about the current situation, 81% of blacks and 36% of whites felt that African-Americans were treated worse than whites by the police.

### Policing Activity

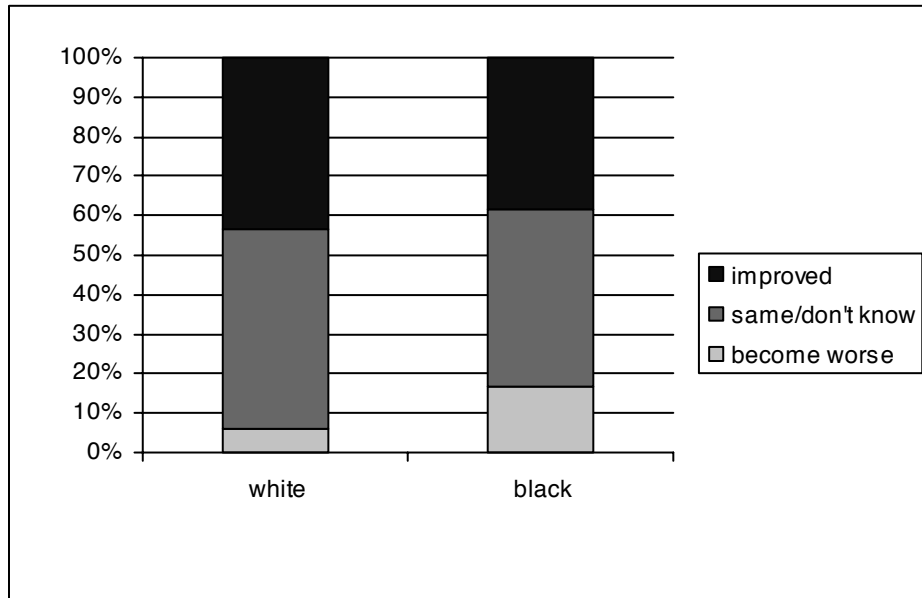
In the context of enhanced accountability ushered in by the consent decree, we have already noted claims of “depolicing” in focus groups with police officers, i.e., a reduction in proactive policing based on fear of being singled out for racism or abusive treatment of

citizens. The same theme was echoed by community leaders, who felt that the decree had disheartened police officers and had discouraged them from actively enforcing the law. Many leaders we spoke with suggested that some officers were afraid to enforce the law because of potential citizen complaints. One interviewee worried that police officers tend to use force less now than might be justified because they fear consequences. Others perceived slower response times and a reluctance to get involved, especially in minority communities. As one black police officer stated, “The areas in greatest need do not get police protection.”

The survey provided an opportunity to assess whether such perceptions are shared more widely by the public. Two questions addressed the issue. One asked about changes over the last five years in crime-fighting and the other about changes in police visibility. Answers to these questions provide little evidence that police are withdrawing from proactive policing activities, at least in terms of public perception. In terms of crime-fighting, only 10% felt the police had become worse than five years ago, and a substantial minority (42%) felt they had improved in the period (see Figure 5). Even among African-Americans, normally more critical of policing, only 17% felt the police had become worse, and 39% thought they had improved. Asked about the current situation, 75% of whites and 58% of African-Americans think the police are doing a good job of fighting crime.

Figure 5. Perceptions of change in crime-fighting, previous 5 years





Looking at police visibility, 51% of respondents thought that police could be seen more often, and just 20% thought that police could be seen patrolling less often than five years ago. Seventy-eight percent of both whites and African-Americans reported having seen a police officer on patrol in the previous week. Thus, in contrast to the opinions of some police officers and community leaders, survey respondents gave little indication that police are less active or less effective now than they were prior to the decree.

### The Quality of Public Encounters with the Police

The survey included a series of questions for people who had direct encounters with the police. The survey reveals that within the last two years, nearly 54% of whites and 43% of African-Americans had approached the police for some reason (e.g. to report a crime or to provide information) and 38% overall had been approached or stopped by the police. There were no significant differences in the percentages of whites and African-Americans reporting voluntary or involuntary contacts. Respondents who reported contacts were asked about their satisfaction with encounters they had with the police.

Table 1. Experiences of police contacts in the last 2 years

Perceptions of police treatment	All those <i>who</i> <i>approached</i> the police %	All those <i>approached by</i> the police %
How were they treated, overall...		
very well	36	20
reasonably well	34	32
neither well nor badly	8	24
Somewhat badly	15	16
very badly	5	8
don't know	2	1
	100 (170)	100 (124)

Notes:

1. Percentages are weighted to match demographic characteristics of Zone 2.

Table 1 indicates that, overall, for both public- and police-initiated contacts, the majority of contacts involved the police treating people “reasonably” or “very” well. The minority of people who thought the police had treated them “somewhat” or “very” badly amounted to one in five of those who had approached the police, and about a quarter of those approached by the police.

Overall, this suggests that people tend to be satisfied, or at least not dissatisfied, with the contacts they had in the last two years (i.e. well within the period of the consent decree). Nonetheless, this still leaves a notable minority—more common among those approached by the police—who felt that they were treated badly in some way. In order to understand the reasons people felt they had been treated badly, respondents were given the opportunity to provide an open-ended explanation. Those respondents dissatisfied with the approaches they made to the police typically talked about lack of cooperation, lack of interest, or rudeness by police officers in dealing with their approach. For example:

- No concern about the issues that were facing me. No customer service.
- Very unconcerned. Very rude.

When discussing police-initiated contacts about which they were unhappy, respondents talked about harassment, being the subjects of undeserved suspicion (in a

few cases involving a suggestion of racism), or officers being disrespectful or threatening during the course of the encounter. Examples of respondents' accounts include:

- Accused of doing something that I did not do.
- They [the police] call me [expletive] constantly.

In only one case, where comments were offered, was there a direct suggestion of force or threat of force.

### **Perceptions of Complaint Investigation**

We noted in the “Policy Change” section that, while OMI has made substantial changes in processing citizen complaints, the monitor’s reports have found that chronic understaffing has led to a backlog of unresolved cases and to less thorough investigations than the decree requires. The criticism by the monitor of OMI was amplified among community leaders who generally regarded the agency with suspicion. One leader said, “I don’t know about the thoroughness of OMI; OMI was always viewed as a police cover-up.” Another perceived part of OMI’s problem to be its connection to the city solicitor’s office. The respondent argued that since the agenda of the solicitor’s office was to protect the city and reduce liability, OMI’s location and affiliation represented a conflict of interest.

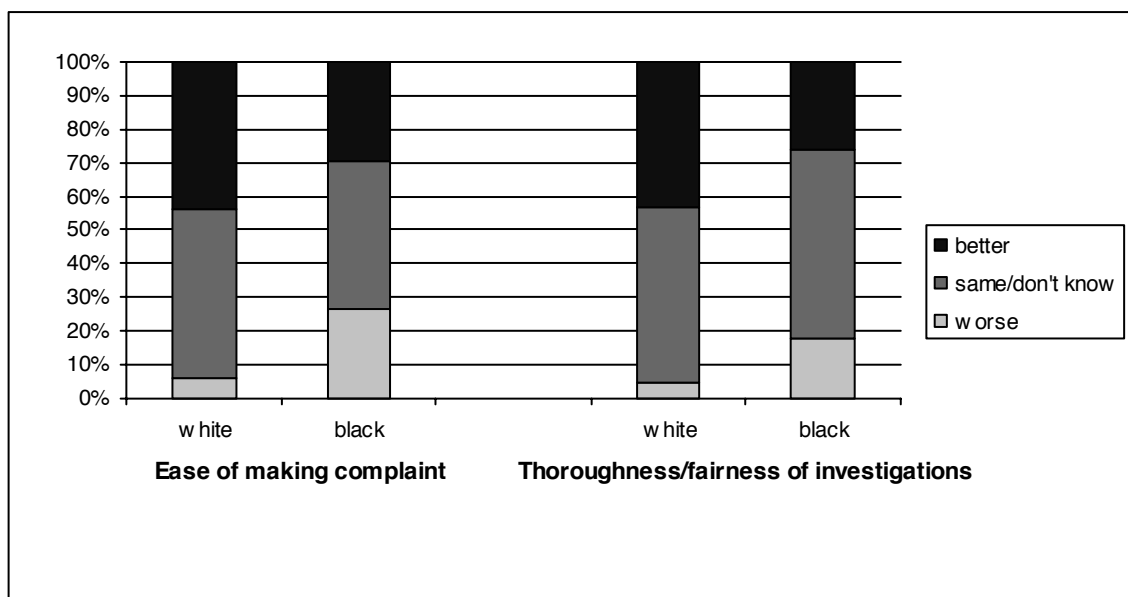
Several leaders mentioned a lack of transparency in OMI’s operations. As one stated, “They are not good about how they communicate with the public. I wish I knew more about what is required during an investigation.” Another expressed the need for a public disclosure law which would mandate publication of the number of officers indicated by the early warning system and the number disciplined. Along with the perception that OMI did not disclose important information to the public, several leaders stressed that there was little publicity or notification about its existence and purpose. As one respondent stated, “People don’t believe in the OMI process. They also do not know that it exists. It’s a marketing issue.”

Community leaders felt that the Citizen’s Complaint Review Board was more visible and fairer than OMI but that it was handcuffed because it lacked effective subpoena power. Even after the consent decree, most community leaders believed that the citizen complaint investigation process was still sorely lacking.

Community leaders’ lack of confidence in the complaint process was also reflected in the views of the general public. When asked whether they had heard or received any information about how to make a complaint against the police over the previous five years, 24% said that they had. This proportion was similar for whites and African-Americans. While this is a significant number of people, it remains the case that the majority of people had not learned about the new ways to make complaints mandated by the decree.

Respondents were also asked about changes in the ease of making complaints and the thoroughness and fairness of investigations. Overall, 37% of people thought it had become easier to make a complaint, and 35% thought the thoroughness of investigations had improved. However, in each category this left more than a third of respondents indicating no change and a minority of people thinking things had gotten worse. Once again, responses differed according to race, with African-Americans more pessimistic than whites. Figure 6 illustrates the answers to these questions. In fact, for both citizen complaint indicators, there were more African-Americans who felt that things had gotten worse since the decree was signed than ones who felt that things had improved.

Figure 6. Perceptions of change in the complaints process over last 5 years



Respondents' views of the *current* complaint process were less than enthusiastic, particularly among African-American respondents. More than half (52%) of all people felt that making a complaint against a police officer today would be “somewhat” or “very” difficult. On this question there was an extreme separation by race, with three quarters (74%) of African-Americans claiming it would be difficult, compared to about a third (32%) of whites. When asked about the thoroughness and fairness of investigations into complaints, views were more positive: 41% of people, overall, felt the authorities would do a good job of investing complaints, with less than one in three (29%) thinking they would do a bad job. Once again, however, there was a large difference by race: whites were twice as likely as African-Americans to believe that complaint investigations today are fair and thorough.

## **Looking to the Future: The End of the Consent Decree**

Community leaders acknowledged that the consent decree brought about change, but they were also worried that it may not be sustained. They expressed a building sense of apprehension as they looked towards the expiration of the decree. Most people we spoke with voiced concern over whether the Bureau would return to “business as usual” with low accountability and frequent misconduct. With the conclusion of the decree fast approaching, the head of one community organization stated:

I don't want it [the consent decree] to stop. The decree makes the department more responsible and develops procedure. Paperwork is an important way to police them [the police].

None of the leaders we spoke with felt that five years was enough. One respondent wondered, “What is the long term effectiveness [of the decree]? Will it last?” Some felt it had not changed pattern or practice very much. One member of the city council believed that the decree had not increased outreach to the community, while another leader felt that “the consent decree has changed things quantitatively but not qualitatively.” Further, according to some African-American community leaders, the community still has “absolute distrust” of white officers in particular. The message seemed to be that there is still work to be done and that the momentum created by the decree should not fade.

Whether or not the decree will succeed in making systemic and cultural changes remains to be seen, but many local leaders in Pittsburgh would have liked it extended. In the words of one leader, “It's not just a matter of management, but a culture needs to change. Five years is barely enough to achieve change.” Another respondent suggested that “the consent decree involve five years of monitoring with another ten-year probationary period during which the Police Bureau would be required to submit written reports to the Department of Justice.” Still another leader recommended separating the issues of policing from complaint investigation, making it possible for the decree to be lifted from the Police Bureau while maintaining the decree for OMI.

## How the Decree Has Affected the Way in Which Officers Approach Their Jobs

We interviewed 13 police officers and five supervisors in Zone 2 to get their views on how the consent decree had affected policing in Pittsburgh. In addition, we interviewed four members of a black police officer association. We began the interviews with the expectation that there would be much that officers didn't like about the consent decree.<sup>58</sup> We already knew that many police officers believed that the decree wasn't necessary and that they resented the implication that they were bad cops.

The officers we spoke to did have some positive things to say about the decree. Supervisors all felt that one of the good things to come from the decree was more frequent and better training. We heard supervisors say that the concept of an early warning system was an idea that could benefit the Bureau. One supervisor said that the new Subject Resistance Reports are "...a good thing. It makes officers explain their actions in detail." An officer admitted that the consent decree may have helped to "tone down" problem officers. Another acknowledged that "the department was antiquated and out of date. The consent decree made us update our computers and some policies."

But, overwhelmingly, the comments of both officers and supervisors about the decree were negative. We offer the synthesis of their comments below with two major caveats. First, we had wanted to conduct a written survey with officers and supervisors in Zone 2, but police administrators asked that we not do so. In the absence of a formal survey, the voices of the most disaffected police officers were heard and recorded. We do not know whether strong negative opinions were held by a large majority of officers or only by small numbers of vociferous officers. Second, some of the officers we spoke to told us that the decree had serious negative consequences for police activity and public safety. The accuracy of some of these claims is tested, and largely refuted, in a later section of this report, which discusses trends in performance indicators.

### **Officer Morale**

When we asked supervisors and officers about whether the decree has influenced officer morale, several responded that the decree had had a serious negative effect. Some respondents expressed a belief that policing in Pittsburgh was not in trouble prior to the decree, and resentment that the federal government had intervened. "The stats didn't justify the decree," one officer said. "Other departments were a lot worse off than we were....Why were we investigated?" Many officers took the decree as a slap in the face. Some saw the city as caving to political pressure in acquiescing to the decree. One officer

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<sup>58</sup> We refer to all officers interviewed as "he" to avoid divulging particular opinions expressed by the few female officers we spoke to.

described officer morale in particularly blunt terms: “We’re worn out. We hate our jobs.” A supervisor said that “morale is at the lowest point I can remember.”

Yet we also picked up the sentiment that the decree’s effects upon morale may be waning. One officer stated that the decree was “not talked about much within the zone anymore. It’s been so long that it’s become a way of life. You don’t think about it.” Some officers and supervisors suggested that morale had been diminished, but they did not appear vehement in this belief. Other officers, new to the Bureau since the decree, remained silent on the issue of morale.

### **Use of the Early Warning System**

Supervisors thought the early warning system was a useful concept to alert them to problems with officers. One supervisor said, “When you get a new officer on your shift, you can look him up in PARS.” However, several supervisors expressed the thought that “as a supervisor, you already know who the good cops are and who the hotheads are. The system just tells us what we know already.”

Supervisors also had complaints about the demands that the system made on their time. Their primary complaint was that the system as it is currently constituted has generated an extreme amount of paperwork. While few officers mentioned excessive paperwork as an issue, it was a major issue for supervisors. One supervisor said, “Everything a police officer does is documented and we have to review it.” Another complained that the paperwork is “incredible.”

We were told by supervisors, for example, that 42 officers from one zone were written up for a recent COMPSTAR meeting (more than one in three of all zone officers). The supervisors indicated that they were required to review for COMPSTAR meetings the files of all officers who had received a red or yellow flag during the quarter. That includes all forms turned in by indicated officers in certain categories (e.g., arrest reports, subject resistance reports, etc.) during the quarter. Supervisors said that investigation of each indicated officer, which includes an analysis of the whole picture of his or her performance in the areas of use of force and racial/gender bias, took an hour to an hour and a half. They argued that preparing for COMPSTAR was a major job.

Supervisors also stated that daily paperwork (not all directly related to the early warning system, but still an outgrowth of the decree) took an unreasonably long time to complete. Each arrest, we were told by several officers, has the potential of generating up to 56 different reports.<sup>59</sup> Supervisors must review daily all subject resistance reports, search and seizure reports, and daily activity sheets for correct procedures, coding, etc. They must also read and acknowledge the PARS-generated alert list daily. According to a report written by the Bureau, supervisors estimated that 70%-80% of their time was spent

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<sup>59</sup> We are unsure whether any action could actually generate 56 reports, or how this number was derived.

on street supervision prior to PARS. Now they estimate that 25%-30% of their time is allotted to these activities.

The supervisors we spoke to claimed repeatedly that the paperwork generated by PARS drastically cut back on the time they were able to spend on the street supervising officers and on their responsibilities to respond to homicides, fires, and other serious incidents. In fact, supervisors stated that they were able to spend little time on the street under the new system. One said he was torn between doing mandated paperwork in the stationhouse and conducting field checks mandated for certain situations by Bureau regulations. He believed that, “they [the administration] don’t want us on the streets.” Another said that the city had been made less safe by virtue of the fact that there were fewer officer and supervisor hours spent on the street. When pressed, however, he stated that there was no evidence that crime had increased since the decree.

Some personnel we spoke to objected to the use of PARS as a tool to single out officers for what they perceived as minor infractions. Several of the officers related stories about disciplinary action reports (DARs) they had received as a result of actions or omissions (such as forgetting to turn in a traffic stop report) for which they previously would have had an informal talk with a supervisor. Officers complained that verbal reprimands wind up in written files and remain there indefinitely. Officers told us that “lots more” disciplinary action reports were being given out since PARS had been instituted, and one said that DARs are “free flowing” now. One officer stated that he thought that the administration sought to maximize the number of disciplinary action reports issued in order to impress federal authorities: “They say they are doing their part because they punished 50 officers or fired five.” Another believed that “they’re just waiting for you to screw up. The more you do, the more of a chance that you will screw up.”<sup>60</sup>

Supervisors and officers had many ideas about how the system might be used differently. One idea was to relax the criteria used to indicate officers. Of the dozens of officers from each zone indicated by the system and discussed at COMPSTAR meetings each quarter, supervisors claimed that just one or two of the indications would actually spotlight a potential problem. Some expressed a belief that the system is too rigid, substituting statistical algorithms for the common sense of supervisors in examining officer behavior. Another suggestion was to use PARS strictly as a tool to track Bureau-wide or zone trends in use of force and racial bias and forgo using it as a means of identifying problem officers.

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<sup>60</sup> Data presented in the next section directly refutes the contention that disciplinary actions became more frequent following the consent decree.



## **Use of Force**

Both supervisors and officers told us that officers were hesitant to conduct searches and to use force since the consent decree was signed. Of course, care in conducting searches and in the use of force was one of the goals of the decree. But officers and supervisors told us that officers, afraid to use force, were taking extra time to react, putting themselves in danger. We were told by one set of officers that the previous evening four officers had been injured making an arrest because they had been overly cautious in the application of force. Injury to officers because they are afraid to use appropriate force is a significant source of contention between the union and the administration.<sup>61</sup>

## **Police activity**

Supervisors told us that arrests and traffic summonses were down since the decree was signed. Officers said that they were afraid to be proactive in their police work. They said that they were less active on the street, making fewer traffic stops and basing stops on observed violations rather than on hunches. Some officers also worried particularly about stopping African Americans, and about “balancing the numbers” racially in their stops. They attributed their hesitation directly to PARS. One officer told us that, after he was red-flagged for traffic stops, he decided not to stop people for a while. Another was more positive, saying, “Good officers will do their jobs, regardless. I still work, but my enthusiasm has dropped.”

Officers said that, as a result of PARS, it was safer not to produce in order to avoid being indicated and kept from overtime work, promotions, or transfers. We were told that “a lot of cops are afraid to do their jobs” and that officers were often unwilling to go above or beyond minimal requirements of their assignments. One officer said that his fellow officers did not understand the theory (comparison with peers) upon which PARS is based and think it’s only used “to screw them.” Another officer said that “the harder you work, the more likely it is that you’ll be indicated.” A supervisor agreed, saying, “PARS rewards do-nothings. Empty shirts are considered model officers because they don’t pop up on PARS and make work for their supervisors.” However, a third officer said inaction could lead to trouble as well: he was spoken to by a supervisor for having too few subject resistance reports compared to his peers. (This is possible because the early warning system indicates officers who deviate from the norm in either direction.)

Officers said the public was well aware of the consent decree and recognized that they could make false complaints anonymously against officers who were homing in on criminal activity. This was thought by officers to be a tactic of drug dealers, who would make anonymous complaints in an effort to get effective officers transferred to other

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<sup>61</sup> Police administrators were not responsive to our requests to view trend data on officer injuries.

areas. “There are lots of good officers afraid to do their jobs proactively” because the threat of anonymous complaints strike fear into them, according to one officer.<sup>62</sup>

### **Effectiveness in the Community**

According to officers with whom we spoke, the consent decree mandated that supervisors be regularly rotated in their assignments. However, they believed that the administration went beyond the terms of the decree in applying the same rule to officers as well. (In actuality, the decree specifies that officers must be supervised by and work with different officers, leaving the specific implementation to the city.) One officer described the mandatory transfers as a “big morale buster.” Another said that rotation of officers from one zone to another produced a force of officers who “don’t know the streets, neighborhood problems, or local perpetrators.” A supervisor said that the frequent rotation was a bad idea because “police officers don’t get to learn their zone and the people in it. This goes against the idea of community policing.”

### **Special Concerns of African-American Police Officers**

African-American police officers had some of the same issues with the Bureau and the decree as white officers but also had some unique criticisms. According to the members of a black police association, the consent decree had been useful in addressing some problems with the Bureau but was silent on other issues that concerned them. In essence, they believed that the Bureau did not treat black officers equitably. This was expressed, they said, in poor performance evaluations, disproportional disciplinary actions taken against black officers, and hiring practices that last year resulted in just four African-Americans among 150 recruits. They would have liked to see the decree address these issues. They also would have liked the decree to require that the city publicize to the community the decree’s requirements and the city’s response. One officer linked treatment of black officers with treatment of citizens: “If the Bureau treats African-American officers badly, that attitude is bound to spill over into the community.”

The black officers also felt that the consent decree contained significant deficiencies that allowed the city to circumvent the intent of the decree in some areas. They alleged that some officers falsified race information or simply failed to fill out forms for stops and searches. They further alleged that some supervisors condoned this behavior. They said they believed that the decree should have built-in provisions to check compliance with reporting requirements for stops and searches. They agreed with FOP officials that the decree would have been better written and more effective had police officers been included in the negotiations between the Justice Department and the city.

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<sup>62</sup> We cannot confirm or deny that anonymous complaints affect the behavior of officers. We do know, however, that such complaints are rare. Extrapolating from data presented in the monitor’s reports, anonymous complaints make up 1-2% of all complaints lodged against officers with OMI.

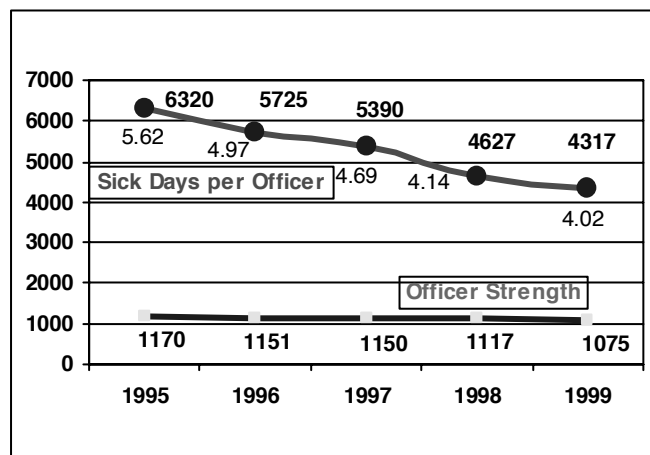
## Analysis of Trends in Police Performance, Public Safety, Disciplinary Actions, and Citizen Complaints

Interviews with officers and community leaders in Pittsburgh produced contradictory and sometimes disturbing information about how the consent decree had affected police officer morale, police activity, racial fairness, public safety, and disciplinary actions. We obtained data from the Police Bureau and the Office of Municipal Investigations on changes over time in performance indicators related to these issues. We would have liked to examine these indicators quarterly over a long enough period to allow us to apply time series analysis to verify apparent increases or decreases over time. However, we were only able to obtain annual data. We also would have liked to examine trends in police use of force and search and seizures, but these data were not collected prior to the signing of the consent decree. Still, the hard data we were able to obtain were useful in confirming or negating claims about negative effects that the consent decree may have had on police performance.

### Police Morale

If the decree had had a serious negative effect on police morale, we believed that it ought to be apparent in the number of sick days taken by officers and in the number of separations from the Bureau. Figure 7 shows trends in annual sick days per officer from 1995 to 1999.

Figure 7. Pittsburgh Bureau of Police Use of Sick Days—1995 through 1999



The figure shows a steady decline in sick days taken that was not affected by the signing of the consent decree in 1997.

Figure 8. Pittsburgh Bureau of Police Separations—1995 through 2000

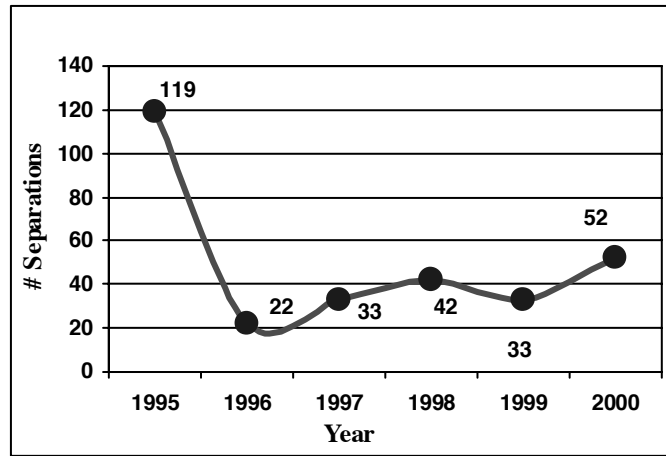


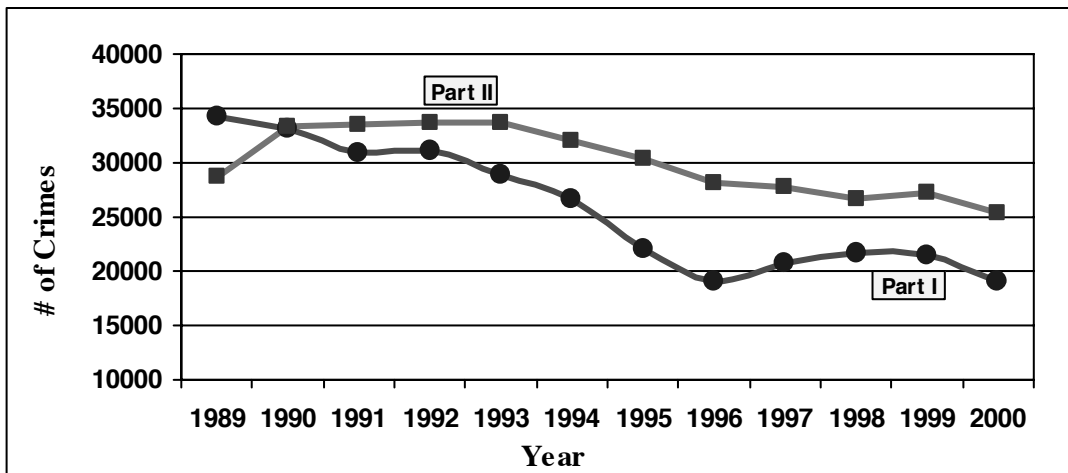
Figure 8 depicts separations from the Bureau between 1995 and 2000. It shows a peak in separations in 1995 that was the result of mass retirements when officers 50 years and over were offered special pension incentives to retire early. The number of separations showed no pronounced upward or downward trend from 1996 to 1999, the years surrounding the signing of the consent decree in 1997. Separations were up somewhat in 2000.

**Public Safety**

To examine claims that the consent decree had jeopardized public safety, we looked at trends in Part I and Part II crimes reported to the police. We also examined trends in numbers of homicides, the crime statistic that experts agree is least susceptible to manipulation.

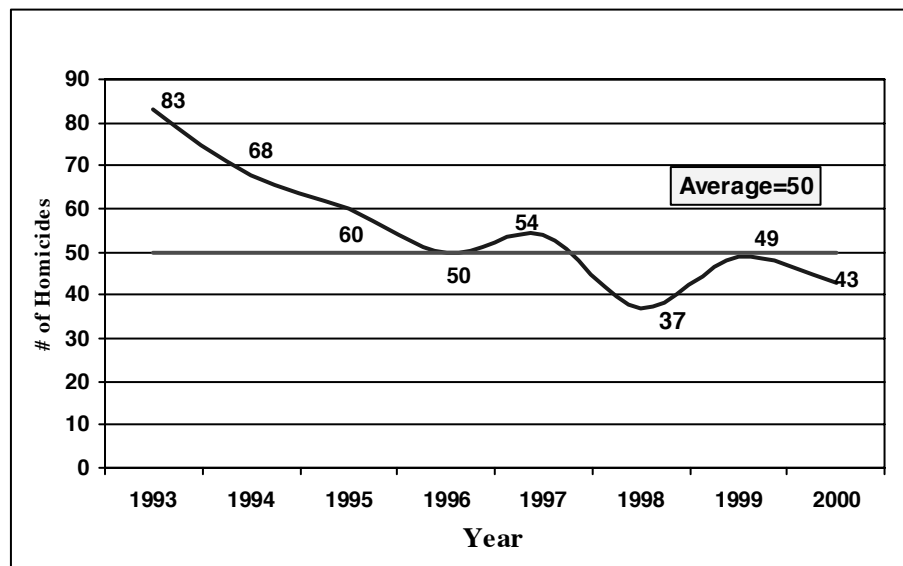
Figure 9 shows similar trends in Part I and Part II crimes between 1989 and 2000.

Figure 9. Part I & Part II Crimes between 1989 and 2000



The main trend is a substantial and sustained decline over time, particularly pronounced in the early 1990s. Part I crimes show a slight bump up in 1997 when the decree was signed, but by 2000, the number of Part I crimes was virtually the same as it was in 1996. Part II crimes have shown a steady march downward through the years, both before and after the signing of the decree. Homicides, shown in Figure 10, follow a similar trend to Part I crimes, declining substantially before 1997 and falling somewhat more during the years following the signing of the decree.

Figure 10. Homicides 1993 thru 2001

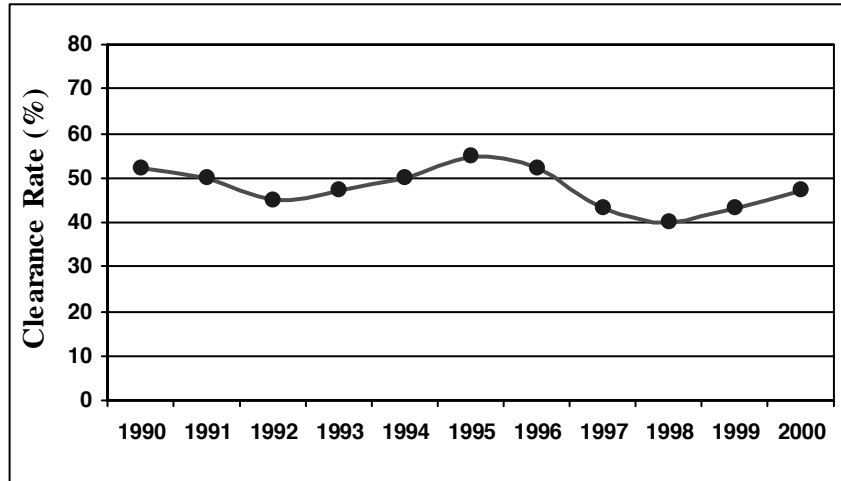


### Police Activity

Over the period between 1994 and 2000, arrests declined by more than 40%, mirroring the drop in crime. One measure of police activity is the ratio of arrests to reported crimes for minor offenses. If police were less aggressive, it would be most likely to be seen in their response to lesser crimes rather than to felony offenses. We therefore looked to see whether the *clearance rate* for Part II (misdemeanor) crimes declined following introduction of the consent decree.

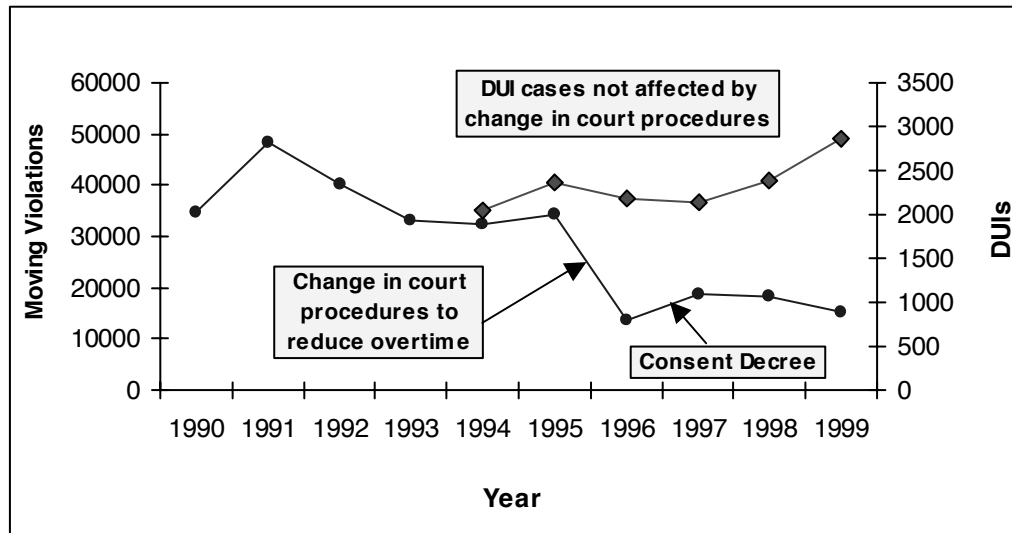
We found some evidence of a decline in clearance rates for misdemeanors coinciding with the signing of the decree (see Figure 11). The percentage of Part II crimes cleared went from the low 50s in the three years prior to the decree to the low 40s for the three years following the decree. However, by 2000, the proportion of misdemeanors cleared had climbed back into the high 40s.

Figure 11. Clearance Rates for Part II Crimes – 1990 through 2000



Another place where we might look for a reduction in police activity is in traffic summonses issued. Figure 12 presents trends in traffic summonses before and after the decree.

Figure 12. Traffic Citations 1990-1999

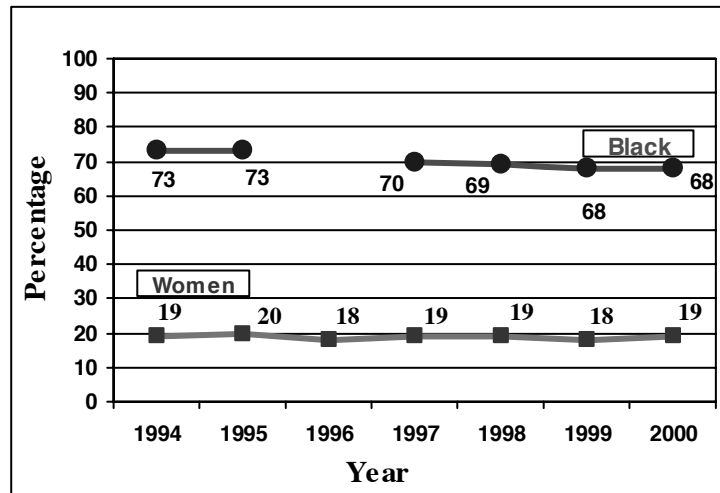


The figure shows that traffic summonses declined sharply in the middle of the period between 1990 and 1999. However, the decline came not in 1997, the year of the consent decree, but in 1996 when court procedures changed to reduce police overtime. There is no evidence of a further decline after 1996 during the period of the consent decree. Figure 11 also displays trends in DUI violations. DUI cases, not affected by the new court overtime rules in 1996, did not show a decline during the consent decree years (and, in

fact, they have increased somewhat). Thus, trends in traffic summonses provide no support to the argument that the decree reduced officer activity.

The final measure of police activity examines trends in racial equity in arrests for Part I crimes. Figure 13 depicts trends in the proportion of blacks and females arrested for Part I (felony) crimes from 1994 through 2000.

Figure 13. Part I Arrests  
By Race and Gender – 1994 through 2000

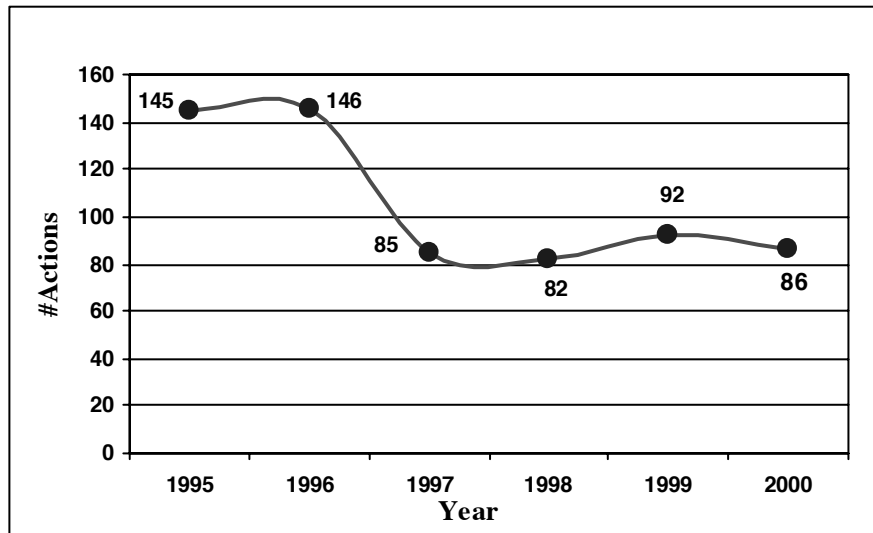


The proportion of women among arrestees remained constant at 18-19% between 1994 and 2000. The proportion of blacks among Part I arrestees has declined somewhat, from 73% in 1994 and 1995 to 68% in 2000. (Unfortunately, the Police Bureau was not able to supply a breakdown of arrestees by race for 1996, the year prior to the signing of the decree.) This decline, while small, may suggest a hesitation by police officers to arrest blacks. On the other hand, it may indicate that officers were over-willing to arrest blacks before the consent decree.

## Disciplinary Actions

Figure 14 presents data on disciplinary action reports issued against officers between 1995 and 2000.

Figure 14. Pittsburgh Bureau of Police Disciplinary Action Reports  
1995 through 2000



Surprisingly, the figure shows a large decline in the number of disciplinary action reports in 1997 and subsequent years following the signing of the consent decree. There was a slight uptick in the number of disciplinary action reports in 1999 and 2000, but they remained far below pre-1997 levels.

## Analysis of Supervisor Time Allocation

One of the major complaints of supervisors, reported in the last section, was that they spent so much time conducting investigations of indicated officers and completing paperwork related to the early warning system that they did not have time to spend supervising officers on the streets. The chief disagreed with this appraisal, suggesting that it was a problem of “perception.” He conceded that, since the adoption of reforms related to the decree, supervisors are performing more duties. A zone commander stated that, “When I was a lieutenant, there was no paperwork. We [performed] the [supervisory] function, but we didn’t record it.... Sergeants and lieutenants [for the first time] are making decisions. They are more accountable now.” The chief argued that the increase in workload was not substantial enough to render supervisors unable to spend time on the street.



In an effort to gain further insight into this issue, we examined a sample of Supervisor Daily Activity Reports. These reports contain the names of the officers that each supervisor personally observed for that day, a list of calls for service that the supervisors were assigned to, any administrative function they performed, and a breakdown of the amount of time used in performing each duty.<sup>63</sup>

The analysis of the Supervisor Daily Activity Reports revealed that supervisors devoted an average of 1 hour, 12 minutes per day to administrative functions. This was in addition to an average of about 20 minutes for roll calls. The same supervisors reported an average of 1 hour, 24 minutes devoted to patrol supervision. However, this number underrepresents the amount of time on the streets since the reports only indicate time spent at the scene of calls for service. Based on the logs of those individuals who separately recorded the amount of time performing random patrol, this is how supervisors spend the bulk of their day. Random patrol consumed a total of 7 hours, 30 minutes of their shift.

During their time on the street, supervisors observed an average of 2.1 officers per day, according to their logs. This figure may underreport the actual number of officers being supervised because some supervisors only record those officers they are required to field check as the result of a PARS indication.

In reading through the reports, it was our impression that the quality of supervision was adequate. Many reports noted hours spent on the scene of serious calls such as homicides, fires, and fatal motor vehicle accidents. Supervisors also noted instances in which they provided back-up for their officers, a good opportunity for field observation.

This cursory analysis tends to support the chief's position that the belief of some supervisors that administrative tasks leave little time for field supervision is more perception than reality. Part of this perception may stem from the way supervisors allot their time. In our sample, for example, some supervisors reported several shifts in which no time was allotted to administrative functions, followed by a shift in which they devoted the entire eight hours to these duties. This may have led to the perception that whole days are spent on administrative duties. The consent decree did change the job of supervisors. As time passes, it is likely that supervisors will learn to balance administrative and supervisory tasks and that they will accept administrative work as part of the job.

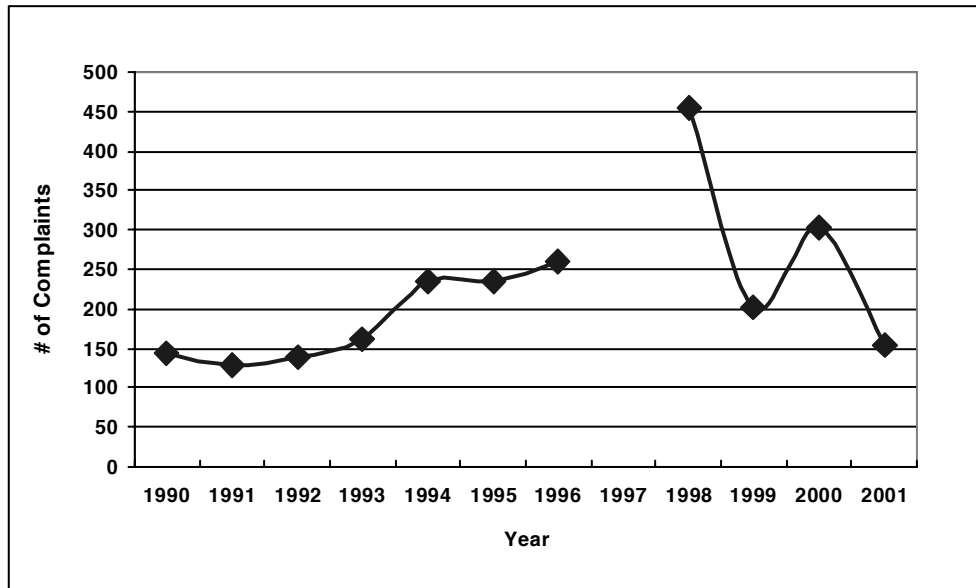
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<sup>63</sup> In total, data from 4 lieutenants and 6 sergeants were compiled. This represented a total of 241 workdays spanning all shifts and days of the week. After controlling for discrepancies in reporting, a total of 194 workdays remained, reflecting the activity of 4 lieutenants and 4 sergeants.

## Citizen Complaints

Figure 15 shows that citizen complaints jumped in 1998 following the signing of the consent decree, the result of liberalized complaint filing procedures, and possibly of greater community awareness of the process. However, it is also worth noting that complaints had been climbing prior to the decree as well. Following the jump in 1998, complaint volume declined to pre-decree levels.

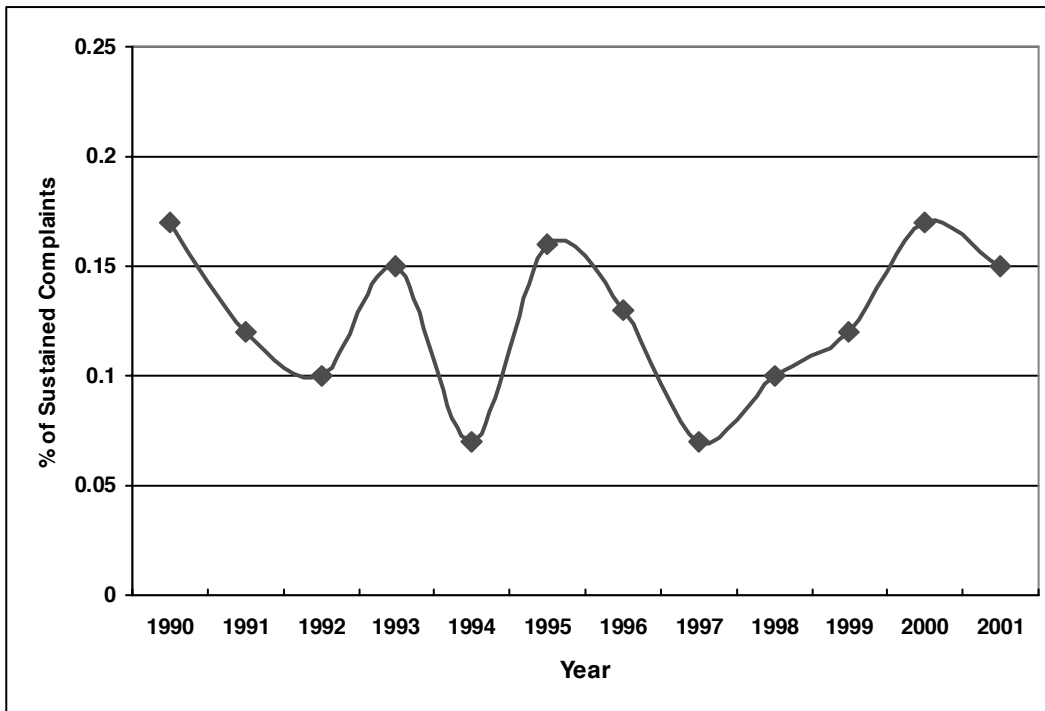
Figure 15. Citizens' Complaints Received by the Office of Municipal Investigations (1990-1999)



\*\*Please note: We were unable to obtain figures for the year 1997. Data are based on figures provided by OMI and the monitor's quarterly reports.

Figure 16 shows that the substantiation rate also rose after the consent decree was initiated. The higher rate of sustained complaints suggests that, whatever other problems OMI may still have, its investigation procedures have changed for the better.

Figure 16. Rate of Sustained Citizens' Complaints by Quarter (1990-1999)



## Synthesis and Lessons Learned

We used multiple methods in trying to understand how Pittsburgh officials responded to the consent decree and what lessons others might take away from this experience. It was not our main purpose to assess how the decree has affected policing or investigation of citizen complaints in Pittsburgh. However, it was necessary to develop an understanding of what had changed and what had not in order to identify the positive lessons for police and city administrators in other jurisdictions. To describe how the city succeeded, we first had to understand what it did right. The bulk of our data came from interviews with police administrators, police officers, police union members, the federal police monitor, OMI officials, and community leaders. Information from these sources was sometimes in conflict. Therefore, we gathered data on trends in police and OMI performance and conducted a citizen survey to determine what citizens thought of the decree and its effect on policing in Pittsburgh.

It is irrefutable that the consent decree has led to many positive changes in Pittsburgh policing. The early warning system and COMPSTAR meetings all but ensure that officers heading for trouble will be identified and efforts made to straighten them out. The system also ensures that cases cannot slip through the cracks due to lax supervision. COMPSTAR and the early warning system are a check on supervisors' actions as much as they are a way to identify problem officers. The system is both redundant and time-consuming: most of the potential problem officers identified by the early warning system may already be known to supervisors. But the advantage of the system is that supervisors are forced to take action (or to justify their inaction). There is no room for playing favorites or for individuals to exercise discretion.

The new policies with respect to capturing information on all use of force incidents, search and seizures, and traffic stops place Pittsburgh police among law enforcement agencies with best practices in this area. The new procedures make it possible to spot officers whose performance differs significantly from their peers. They also make it possible for the Bureau to monitor any department-wide trends in racial bias and excessive use of force and to respond to critics who charge that abuses are occurring in these areas.

Police training in Pittsburgh has been improved, even according to critics of the police administration in the police union and in the community. Officers receive more training on how to avoid use of force and how to apply force appropriately when it is necessary.

The process of filing and investigating citizen complaints also is much improved. OMI still has a battle to fight to win the respect of the community, and it has not yet hit a consistent stride in keeping pace with the increased volume of complaints. But citizens who wish to file a complaint now have a choice of agencies to go to. They can file complaints in the modality most convenient for them. If they choose to do so, they can

even file anonymously. All complaints—even those filed anonymously and those in which the complainant is unwilling to cooperate or cannot be found—must be investigated. And the investigations must be thorough, including a visit to the scene by the investigator and canvassing for potential witnesses.

We also heard about problems from community leaders and police officers. The community leaders we spoke to agreed that the decree helped make police more accountable, although some were convinced that the early warning system was being circumvented by some officers and supervisors. Some community leaders and police were concerned that officers were less likely to take action when it was warranted in minority communities. Police officers also told us that officers were slower to get involved because of low morale and fear of complaints filed anonymously by criminals eager to get the officers off their backs.

The reservations of both police officers and community leaders deserve to be taken seriously. It is unlikely that anyone can ever measure with any certainty whether officers are slower to enforce the law or avoid certain areas or encounters with citizens of particular demographic characteristics. But the trend data we examined helped to mitigate some of the negative perceptions about public safety, police activity, and police morale. Rates of reported crime did not increase following the decree. Traffic summonses, a barometer one would expect to be affected if police were less active, did not decline as a result of the decree (although the clearance rate for misdemeanors did decline temporarily). And two indicators of officer morale (use of sick time and terminations from the Bureau) did not show negative trends following the decree.

One of the most important measures of change in Pittsburgh is community opinion. Only slightly more than half of Pittsburgh residents had heard of the consent decree. But among persons who had, those who believed policing had improved since the decree outnumbered those who believed that it had gotten worse by a 4-1 margin. We found similarly large margins between those who thought things had improved and those who felt things had worsened in response to questions about fair and courteous treatment of citizens by police officers and thoroughness of investigation of citizen complaints. Whites were much more likely to believe that police use of excessive force had decreased rather than increased since the decree, while more African-Americans believed that use of force had increased than believed that it had decreased.

## **Lessons Learned**

How were Pittsburgh officials able to make dramatic changes in a relatively short period of time? In this section we consider aspects of the city's response that led to the success of efforts to increase accountability, as well as some aspects of that response that might have been improved.

## What Other Cities can Learn from Pittsburgh's Experience

(1) The importance of a quick and unified city response to the decree and an embrace of the reforms by city officials

- Once city officials decided to sign the decree, they were able to put personal feelings aside and focus on bringing the city into compliance. The implementation committee did a good job, with the monitor's help, in outlining the areas where changes would need to be made.

(2) The determination of the police chief to make the decree part of his own reform agenda

- Part of the reason that city officials agreed to settle with the Justice Department was that they were able to influence what went into the decree. For a new police chief with an interest in reform, this was a good opportunity to push his agenda forward. The consent decree made it easier to get funds from the city for reforms and helped to neutralize potential union objections. Once the decree was signed, the chief made it quite clear that the Bureau would be in compliance and thereby set the tone for the Bureau's effective response to the requirements of the decree.

(3) The critical role of the court-appointed monitor

- The selection of the monitor by city and DOJ officials was a critical choice, and, by all indications, the successful candidate facilitated the change process. The monitor played an early, vital role after the signing of the decree by helping officials to develop a plan of action. He operationalized imprecise standards in the decree, avoiding potential differences between the city and DOJ in interpreting the decree. He produced a compliance manual that gave city officials an exact idea of what milestones he expected them to achieve at each stage to meet his standard of compliance. His early meetings with community leaders helped reassure them that real reform was afoot. He developed a relationship with city officials that was more collaborative than adversarial, making it easier for them to accept some of the more difficult terms of the decree.

(4) The development of an early warning system to meet the needs of the city—Pittsburgh's went well beyond the demands of the decree by tracking sick time, accidents, and positive officer behavior as well as misconduct

- The consent decree required that the city track certain types of incidents that indicated potential problems with officer interactions with citizens. But the system the city developed incorporated not only data required by the decree but also performance data that allowed command staff to monitor officer productivity and effectiveness. The use of deviations from the performance of peers was an

innovative approach to determining which officers were indicated and one that made the system maximally useful as a management tool.

(5) The development of an innovative quarterly command staff meeting to review and act on information from the early warning system

- The effectiveness of the early warning system was cemented by the development of quarterly COMPSTAR meetings. These meetings, attended by command staff, ensure that each commander is publicly accountable for decisions he or she makes on each of the officers indicated by the system. The forum provides an opportunity for the chief and other members of the command staff to ask questions about the actions of commanders in individual cases and to provide additional insights into particular cases.

### **What Might Have Been Improved on in Pittsburgh**

(1) Quicker realization of new demands on investigation of civilian complaints

- While the city was quick to realize and respond to the new demands on the Police Bureau, it was slower to respond to the needs of the Office of Municipal Investigations. OMI predictably saw the number of complaints rise and the time to investigate cases increase substantially as a result of the decree. Yet there was no immediate move to add staff to cope with the greatly increased workload. The backlog that developed as a result has plagued the agency to this day and is the major reason that it has not been able to stay in compliance with the requirements of the decree.

(2) Better education of officers about goals and benefits of the decree

- There was clearly an effort by the police and command staff to educate officers and supervisors about the decree and to defuse the notion that it would necessarily be detrimental to officers. But judging by our focus groups, these efforts were not highly successful. Officers remain resentful about the decree and worry about being disciplined for good faith enforcement actions. Our trend data refuted some of the more serious officer claims about reduced morale, officer activity, and public safety. Nonetheless, the fact that these perceptions persist is a continuing challenge for the Bureau.

(3) Better efforts to coordinate implementation of the decree with outreach to the community

- The decree was positively perceived by community leaders, and there was a good deal of faith in the chief's commitment to reform. But community leaders remained skeptical that a true sea change in accountability of officers and

supervisors had occurred or that any gains would survive beyond the life of the decree. Many citizens were not aware of the decree and many black citizens remained unconvinced that police abuse had lessened during the five years of the decree. The Bureau has made efforts to educate the public about the decree, but in the opinions of community leaders, there has been little interaction between the police and civil rights groups before or after the consent decree was signed and little systematic dissemination of information about the city's progress in complying with the decree. A cooperative relationship between the two camps is essential to bringing the message to Pittsburgh's minority community that significant changes have been achieved. The fact that negative perceptions of the police and of the complaint investigation process persist in a significant segment of the community makes it that much harder for the Bureau to fulfill its mission.

We also note the feelings of some segments of the community that the decree did not go far enough. Some leaders thought that the scope should have been expanded to promote minority hiring or to address other racial justice issues inside the Police Bureau. Some felt that the decree ought to have set performance standards for the Bureau and OMI, including standards for community awareness and satisfaction. Others wanted the decree to include a process to verify that officers were adhering to new reporting requirements for stops and searches. Most community leaders we spoke to felt that the city would have been better served had the decree promoted "transparency" in policing by mandating more open reporting of misconduct and disciplinary actions by the Bureau and by OMI. Some of these features have been incorporated into subsequent consent decrees. The recent Los Angeles decree, for example, instructs the police department to publish on its website statistics on arrests, use of force, and disciplinary actions taken against officers.

Soon Pittsburgh will make its case before the judge who issued the consent decree to have the decree lifted. The decree has clearly been good for the public, and especially for the minority community, which had disproportionately been targets of police abuse. Officers and supervisors are now accountable for their interactions with the public in a way that is qualitatively different from the situation that existed prior to the decree. But the decree has also benefited the Bureau of Police in several significant ways. Police administrators now have a powerful tool to monitor officer productivity as well as misconduct. The Bureau has better protection against future lawsuits because administrators can now analyze aggregate figures to examine use of force, racial bias in traffic stops or searches and seizures, and actions taken to modify the behavior of problem officers. Whether or not it is lifted, the consent decree will have left a permanent mark on how policing is conducted in Pittsburgh.



## Appendix A: Survey Details

This Appendix describes how the survey of 420 residents of the Police Bureau’s Zone 2 was carried out. Calls were made to households using telephone numbers purchased from a commercial source and registered to the census blocks in the zone. In an initial conversation, interviewers established the identity of the individual within the household whose first name came first, alphabetically, from among all household members aged 18 and over. An interview was then requested with this person. Some interviews were carried out straight away, if the person was available, or a call back was made for an interview at a later date. This process ensured that there was some randomness in the selection of a respondent from within a household.

A total of 2,000 telephone numbers were initially selected. Discounting those numbers that turned out to be non-residential, disconnected, or linked to a fax machine, the overall response rate achieved for the survey was 24 %—a rate that is less than ideal. Related probably in part to these non-response problems, the demographic characteristics of the achieved sample showed some deviations from the demographic characteristics of Zone 2, as measured by the 2000 Census.

Table A1 describes the gender, age, and ethnicity of survey respondents, including percentages for “weighted” and “unweighted” samples (see below), and demographic measures from the 2000 census by way of comparison.

Table A1. Demographic characteristics of survey respondents and population of Zone 2 residents\*

	Respondents (unweighted) %	Respondents (weighted) %	Zone 2 Census 2000 %
Male	34	46	47
Female	66	54	53
18-24	8	24	24
25-44	27	32	32
45-64	33	23	23
65 and over	31	21	21
White	57	52	52
African-American	40	45	44
Other	4	3	4
	100	100	100

\*Note: Figures for ethnicity from the 2000 Census were readily available only for the population as a whole, rather than just the over 18 population (which the survey focused on). Age and gender, by contrast, apply only to those 18 and over.

By comparing the demographic profiles of the (unweighted) survey respondents with the census figures, the table shows that problems of non-response were focused on males and younger people, particularly those under 25. In fact, though it is not revealed by the table, the low representation of young people in the sample was particularly acute for those in the African-American population.

To compensate at least partly for non-response problems, survey data were “weighted,” and demographic profiles of weighted survey data are also reported in the table. Weighting is carried out so that the types of people under-represented among respondents are given more emphasis, while types of people over-represented are given less emphasis. The table shows that the demographic profile of the weighted data lines up well with the census profile.

The final weighting variable included weightings for household size (and therefore probability of selection for interview), age, sex, and ethnicity. Each of the ethnic groups was separately weighted to the known overall age and sex profile of Zone 2. Ideally, we would have weighted them to separate profiles for each ethnic group. However, these were not known. It is notable, though, that white and African-American age and sex profiles are fairly similar across Pennsylvania as a whole. The decision therefore appears reasonable. Figures for ethnicity from the 2000 Census were readily available only for the population as a whole, rather than just the over 18 population (which was the focus of the survey). These figures were therefore used for weighting, and are displayed in the table. Age and gender, by contrast, apply only to those 18 and over.

Weighted data are used as a basis for the survey findings presented in the report. These findings should therefore be properly recognized as estimates of Pittsburgh residents’ views and experiences, based both on survey and census data, rather than just simple counts of survey responses. Significance tests reported here, however, are based on unweighted data. This remains the most accurate way of assessing statistical confidence in the associations between variables in the survey.

While weighted data will undoubtedly improve our ability to estimate the views and experiences of Zone 2 residents, we should not assume that the weighted survey will do full justice to their range of opinions, particularly among males and those in younger age groups. This must still be borne in mind, therefore, when interpreting the results.

## Appendix B: Survey responses

These tables present the full findings for the survey questions reported in the main report. Percentages have been weighted to match the Zone 2 residents. Questions with statistically significant differences between white and black respondents are marked with asterisks: \* refers to  $p < 0.05$  significance, and \*\* refers to  $p < 0.01$ .

Table B1. Changes in perceptions of police-community relations over the last 5 years

Perceptions of change over last 5 years	All %	White %	African- American %
In dealing with citizens in a fair and courteous manner, police department has...**			
improved a lot	11	16	7
improved a little	23	27	17
remained about the same	43	38	48
become a little worse	9	3	17
become a lot worse	5	1	9
don't know	10	16	2
Police response to needs of community has...**			
improved a lot	15	17	11
improved a little	26	33	18
remained about the same	41	35	50
become a little worse	8	6	11
become a lot worse	5	2	9
don't know	5	8	2
	100	100	100
	(420)	(231)	(162)

Table B2. Current perceptions of police-community relations

Perceptions of police community relations	All %	White %	African- American %
In dealing with citizens in a fair and courteous manner, are Pittsburgh police doing a...**			
very good job	25	34	11
somewhat good job	40	39	42
neither good nor bad job	18	12	26
somewhat bad job	10	6	14
very bad job	5	3	5
don't know	3	5	2
In responding to the needs of community, are Pittsburgh police doing a...**			
very good job	23	29	13
somewhat good job	41	43	39
neither good nor bad job	19	14	26
somewhat bad job	8	9	8
very bad job	7	2	12
don't know	2	3	2
	100	100	100
	(420)	(231)	(162)

Table B3. Perceptions of change in police abuse of force

Perceptions of change	All %	White %	African- American %
Compared to 5 years ago, police use excessive force...**			
a lot less often	7	10	3
a little less often	27	31	24
about as often as 5 years ago	29	31	27
a little more often	17	10	25
a lot more often	10	3	18
don't know	10	16	3
	100	100	100
	(418)	(231)	(161)

Table B4 Perceptions of police abuse of force

Perceptions of abuse of force	All %	White %	African- American %
How common is it for officers to use excessive force? **			
very uncommon	16	23	9
somewhat uncommon	16	19	9
neither common nor uncommon	12	15	10
somewhat common	30	25	38
very common	18	8	30
don't know	8	10	5
	100	100	100
	(419)	(231)	(161)

Table B5. Changes in police treatment of African-Americans

	All %	White %	African- American %
Compared to 5 years ago, does Pittsburgh police department treat African-American citizens... **			
a lot better	3	6	1
a little better	25	28	21
about the same	44	43	47
a little worse	9	4	15
a lot worse	9	2	16
don't know	10	16	1
	100	100	100
	(420)	(231)	(162)

Table B6. Perceptions of differential treatment of African-Americans

Perceptions of racial bias	All %	White %	African- American %
Do you think Pittsburgh police department treats African-American citizens**			
a lot better than white citizens	1	1	0
a little better than white citizens	3	4	3
about the same as white citizens	34	51	14
a little worse than white citizens	32	28	37
a lot worse than white citizens	25	8	44
don't know	6	9	3
	100	100	100
	(420)	(231)	(162?)

Table B7. Changes in policing activity

Perceptions of change in policing activity	All %	White %	African- American %
Over the last 5 years, in terms of crime fighting, Pittsburgh police have *			
improved a lot	17	18	14
improved a little	25	26	25
remained about the same	41	39	43
become a little worse	8	5	13
become a lot worse	2	1	4
don't know	7	12	2
Compared to 5 years ago, can police officers be seen patrolling...**			
a lot more often	26	30	22
a little more often	25	23	27
about as often	22	23	20
a little less often	14	9	21
a lot less often	6	3	9
don't know	8	12	2
	100	100	100
	(420)	(231)	(162)

Table B8. Perceptions of policing activity

Perceptions of policing activity	All %	White %	African- American %
In terms of crime-fighting, Pittsburgh police are doing a... **			
very good job	18	23	9
somewhat good job	50	52	49
neither good nor bad job	15	10	21
somewhat bad job	11	9	15
very bad job	3	2	6
don't know	3	5	1
Last time an officer was seen on patrol...			
today	38	35	43
previous week	40	43	35
previous month	6	8	3
previous year	6	7	5
more than a year ago	9	5	13
don't know	1	2	1
	100	100	100
	(420)	(231)	(162)

Table B9. Changes in the complaints process over the last 5 years

Perceptions of change over last 5 years	All %	White %	African- American %
Has heard received information about how to make complaint in last 5 years.	24	24	22
Making a complaint against a police officer is now...**			
much easier	14	18	9
somewhat easier	23	26	21
as easy/difficult as before	36	35	39
somewhat more difficult	8	3	12
much more difficult	8	3	15
don't know	11	15	5
Thoroughness/fairness of investigations has...**			
improved a lot	13	18	7
improved a little	22	25	19
remained about the same	40	34	47
become a little worse	7	2	14
become a lot worse	4	3	4
don't know	14	18	9
	100	100	100
	(419)	(231)	(161)



Table B10. Making complaints against police officers

People's views on complaints	All %	White %	African- American %
How easy would it be to make a complaint? **			
very easy	13	18	7
somewhat easy	17	24	11
neither easy nor difficult	13	19	5
somewhat difficult	26	20	32
very difficult	26	12	42
don't know	5	7	2
In terms of thoroughness and fairness, how well would authorities investigate a complaint? **			
very good job	8	11	3
reasonably good job	33	43	22
neither good nor bad job	21	15	29
somewhat bad job	18	12	25
very bad job	11	6	16
don't know	9	12	5
	100	100	100
	(418)	(231)	(161)